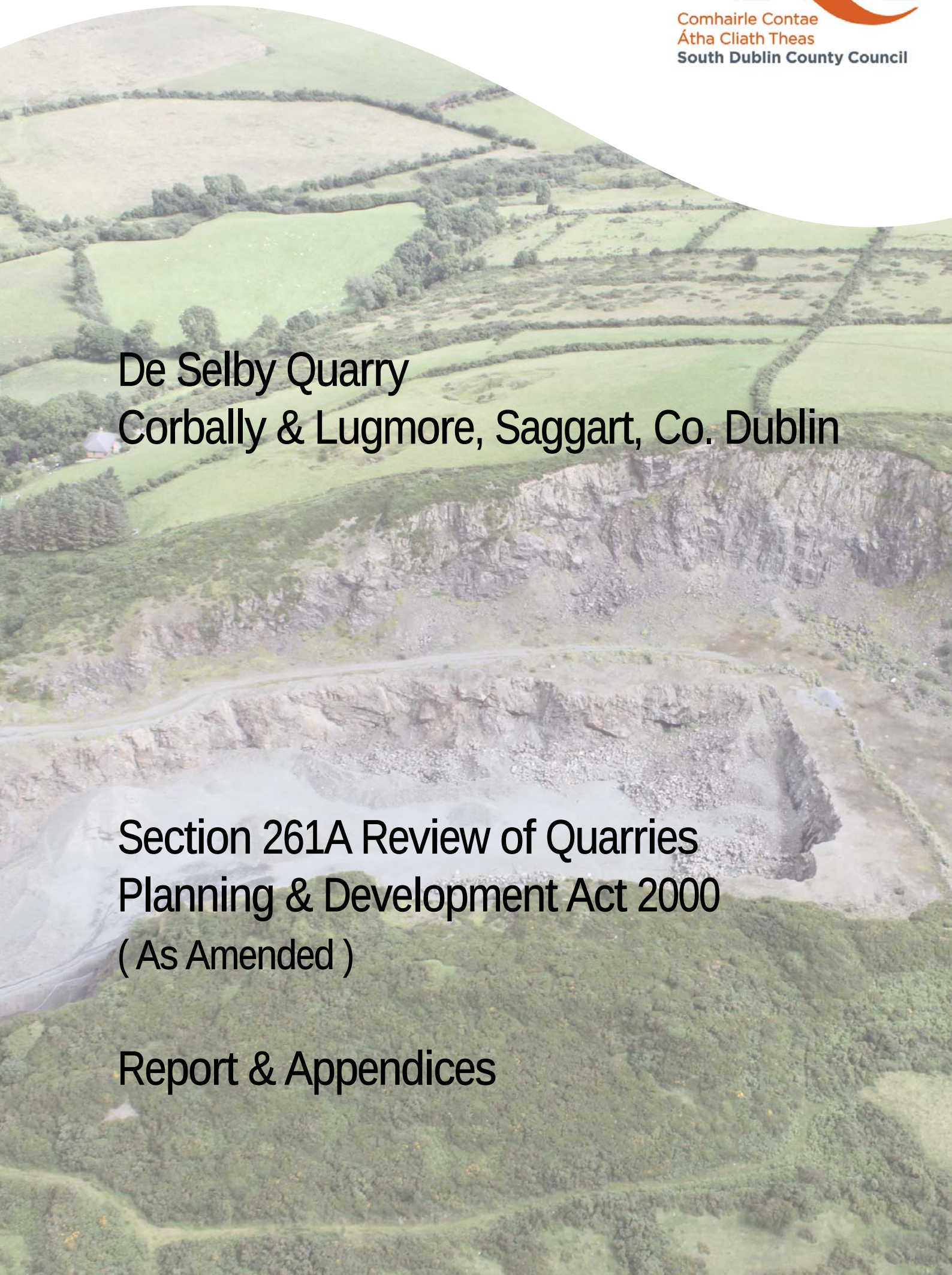
Comhairle Contae
Átha Cliath Theas
South Dublin County Council



De Selby Quarry
Corbally & Lugmore, Saggart, Co. Dublin

Section 261A Review of Quarries
Planning & Development Act 2000
(As Amended)

Report & Appendices

IN THE MATTER OF Section 261A of the Planning and Development Act, 2000 as inserted by section 75 of the Planning and Development (Amendment) Act 2010, and amended by Regulation 16 of the European Union (Environmental Impact Assessment and Habitats) Regulations 2011, and by Regulation 3 of the European Union (Environmental Impact Assessment and Habitats) Regulations 2012.

Section 261A Review of Quarries

De Selby Quarry

Quarry Location:	Corbally and Lugmore, Saggart, Co. Dublin.
Owner / Operator:	Roadstone Wood Limited, Fortunestown, Tallaght, Dublin 24. Brian Joyce, Mount Seskin Road, Corbally, Saggart (Registered owner of part of the lands)
Register Reference:	SDQU05A/3

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Comhairle Contae
Átha Cliath Theas
South Dublin County Council

County Hall,

Tallaght,

Dublin 24.

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ADDENDUM

Note re appropriate assessment in relation to the feeding grounds of the Greylag Goose at Mountseskin and Gortlum, Brittas, Co. Dublin.

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INTRODUCTION AND BACKGROUND

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Introduction

This determination report arises from a number of special legislative provisions in relation to quarries. These are; Section 261A of the Planning and Development Acts, the Environment (Miscellaneous Provisions) Act 2011, and the EU (EIA & Habitats) Regulations 2012. These provisions were commenced on 15 November 2011, with a maximum 9 months allowed for completion.

Guidelines were issued in January 2012 by the Minister for the Environment, Community and Local Government to planning authorities and An Bord Pleanála (the Board) under section 28 of the Planning and Development Act 2000 (as amended). Further Supplementary Guidelines were issued in July 2012.

This special provision made for quarries effectively provides that, for a very limited period, certain quarries with retention/EIA/Habitats issues will be permitted (and in fact required) to apply for substitute consent without having to prove exceptional circumstances. This is a last opportunity for certain quarries with legal issues/operating beyond their consent to regularise their status.

Section 261A requires the planning authority to determine which quarries in its administrative area would, having regard to the dates of implementation of the EIA Directive and the Habitats Directive, respectively, have required an EIA, or an appropriate assessment in relation to possible effects on the integrity of a European site, but which were not subject to such assessment/determination.

The Guidelines require the Planning Authority to compile a complete list of all relevant quarry developments within the area, based on every available source of data, such as:

- The planning register, in relation to permissions granted,
- The section 261 register (showing the position as of 2004/2005),
- Planning enforcement records,
- Information from members of the public, including any submissions received in response to the public notice,
- Rateable valuation records,
- Aerial photos or maps (if available), and
- Local knowledge from planning authority staff, particularly staff dealing with specific areas within a county.

The availability of the above data sources was explored for all quarries. All available data was compiled, examined and evaluated in accordance with the Guidelines issued. A separate report has been prepared for each of the relevant quarries in the county. This report relates to the quarry operated by Roadstone Wood Limited on lands at Corbally and Lugmore, Saggart, County Dublin. Brian Joyce, Mount Seskin Road, Corbally, Saggart is also a registered owner of part of the lands.

General Overview

The De Selby quarry is located on the north facing slope of Tallaght Hill which is one of a number of prominent hills forming the northern edge of the Dublin Mountains comprising a landscape characterised by smooth rounded hills with sparse vegetation

[Appendix 1 Location map]

The existing quarry comprises an extensive excavation enclosed on the East, South and West sides by steep vertical faces. The southern boundary of the quarry lands adjoins the boundary of the Kilsaran quarry lands in the townland of Mountseskin to the south.

Tallaght Hill is designated in the South Dublin County Development Plan as a prospect to be preserved. It is an objective of the Council to preserve this prospect as seen from viewing points at Blessington Road (Killinarden area), Naas Road, and Garter Lane Saggart. The vertical faces of the quarry are visible as a prominent hilltop scar in the panoramic views looking southwards from areas to the North of the site, and from adjacent areas to the west of the quarry.

The area in which the site is located is zoned in the Development Plan, with the objective "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", (Objective 'H'). The land use activity 'Industry-Extractive' is 'open for consideration' in areas zoned Objective 'H', but is not permitted above the 350m contour line. Views towards the quarry lands from public roads in the vicinity are indicated on the relevant development plan map to be protected in accordance with policy LHA2 as detailed in the South Dublin County Development Plan 2010-2016.

The site is accessed from Mount Seskin Road a minor road linking the N81 at Kiltalown to Brittas village, which joins the N81 at an uncontrolled junction. It is an objective of the Council to initiate works on the extension of the Tallaght By-pass as part of a six year road development programme.

Lands in the vicinity of the quarry are used for sheep and cattle grazing, and there are a number of farms and single houses adjacent to the quarry.

There are a number of Recorded Monuments located on lands in the vicinity of the quarry which are included in the schedule of buildings, structures and sites to be protected in the Development Plan 2010-2016 (Schedules 1).

There are proposed Natural Heritage Areas located within 2 kilometres to the southwest (Slade of Saggart) and 0.5 kilometres to the east (Lugmore Glen) of the subject quarry site. Lands at Mountseskin and Gortlum located c 2.5 kilometres to the south of the quarry lands are feeding grounds

for Greylag geese, which is a protected bird species under the designated Special Protection Area for Birds at Poulaphouca reservoir in County Wicklow. There are two Special Areas of Conservation (Wicklow Mountain SAC and Glenasmole Valley SAC) located within 3-4 kilometres to the southeast of the quarry.

[Appendix 2 Map illustrating sites of nature conservation interest]

It is noted that by letter dated 11 June 2010 Roadstone Wood Limited informed the planning authority that due to the serious economic difficulties currently afflicting their business it has been deemed necessary to temporarily suspend operations at De Selby quarry.

A comprehensive view of the entire quarry lands is provided in the oblique aerial photography flown in August 2005.

[Appendix 3 Oblique aerial photography 2005]

Relevant Planning History

Reg. Ref. 11117
Outline planning permission was granted under Plan No. 11117 on 19 January 1967 for the erection of crushing plant at De Selby quarry, subject to the approval of detailed drawings, and approval of a satisfactory landscaping scheme for the exposed portion of the quarry.

Reg. Ref. SD07A/0409 Appeal Ref. PL06S.228842
Planning permission was granted to Roadstone Dublin Limited by decision of An Bord Pleanála under Appeal Ref. PL.06S.228842 for the continuation of quarrying at Corbally and Lugmore. The planning application was made in compliance with an order made under section 261(7) which required the submission of a planning application and an EIS for such development.

Appendix 4 Planning history documents

Planning Enforcement History:

File Ref. 9812: Complaint received 28 Sept 1994
Lands at: Mount Seskin Road, Tallaght
Description of unauthorised development: operation of a quarry
History:
Further details/ complaint received June 1995
file is linked to file ref 9706 which refers to lands described as Mount Seskin Road, Tallaght in the ownership of Patrick Healy. Investigations into 1. Dumping, 2. Excavation works
Section 26 Notice was served on 11 September 1996
Notice complied with 22nd October 1996.
Further complaint re dumping & access road 20/03/97
No further action recorded after this point and the file was closed sometime after that.

File Ref. S1782. Complaint received 30 June 2000.
Lands at: Lugmore, Saggart, Co. Dublin
Description of unauthorised development: recommencement of quarrying after a lapse of 15 years approximately and the importation of materials into the quarry
History:
Warning letters dated 9th November 2000 issued to Roadstone Ltd and Austin McHale, requested to cease the unauthorised uses forthwith
Warning Notice dated 19th December 2000, served on Roadstone Ltd. and Austin McHale,
Examination of the lands on 11th January 2001 and again on 30th of January 2001 found that Warning Notice had been complied with. However, the unauthorised use resumed subsequently.
Roadstone Ltd. disputed that the quarrying activity is unauthorised on the basis of usage since the early 1900s and did not accept that these rights were ever abandoned.
No further action taken due to lack of adequate supportive evidence. File Closed 10 May 2007.

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Environmental Health Officer Report

Six complaints have been received about this quarry. Four relate to Blasting and two relate to dust.

Table 1: Environmental Health Officer record of complaints by year

Year	Number of complaints received
2003	2
2004	2
2006	2

One dust complaint in 2006 resulted in the service of a notice under the Air Pollution Act 1987 requiring action to prevent air pollution. There is no Asphalt plant in this quarry.

Appendix 5 Notice served under the Air Pollution Act 1987 Section 26 (1)

Section 261 Registration of De Selby Quarry

Information relating to the quarry operated by Roadstone Dublin Limited at Corbally and Lugmore, Saggart, Co. Dublin, was received on 22 April 2005 and was duly entered in the Planning Register under Register Reference SDQU05A/3. By order dated 21 April 2006 a statutory notice was served by the Council under Section 261(7) on Roadstone Dublin Limited requiring the submission of a planning application and an EIS for the continuation of quarrying operations at De Selby quarry. Information relating to the section 261 registration of the quarry is summarised in Table 2.

Table 2 Outline Details De Selby Quarry (source: S. 261 application)

Owner / Operator	Roadstone Wood Limited[1]
Registered Reference Number	SDQU05A/3
Aggregates Extracted	Dolerite
Annual Output (tonnes)	100,000
Planning Status	Pre-1964
Year of Permission	2009
S261 Stated Site Area 2005	51 hectares
Permitted Extraction Area June 2009	5 hectares

[1] Brian Joyce, Mount Seskin Road, Corbally, Saggart is also a registered owner of part of the lands.

Section 261A Submissions

One submission (submission No. 44) was received in relation to De Selby quarry in response to the public notice. The submission which was made by Shane Geraghty, on behalf of Roadstone Wood Limited, states that on the 11th June 2010 operations at the quarry were suspended on a temporary basis due to the economic downturn and this has been communicated to the Planning Authority. In addition to the active boundary of the quarry, the applicants have an interest also in the lands coloured in magenta on a map attached, by way of a lease to quarry same dated 10 November 1913. Brian Joyce, Mount Seskin Road, Corbally, Saggart is also a registered owner of part of these lands.

[Appendix 5 Submission No. 44 - Roadstone Wood Limited]

It is noted that advice received from the Planning and Housing Policy section of the Department of the Environment, Community, and Local Government advises that "generic" submissions which do not mention any particular quarry are not valid submissions and persons making the submissions are not entitled to receive copies of notices issued to quarry owners, whether under subsection (3), (4) or (5).

Section 261A Determinations / Decisions

In accordance with the requirements set out in Section 261A, the planning authority will, following an examination of each quarry, issue a notice of its determination or decision regarding each of the following, as appropriate:

I A decision regarding whether the quarry is authorised;

II A determination as to whether development was carried out after 1 February 1990 which development would have required, having regard to the Environmental Impact Assessment Directive, an EIA or a determination as to whether an EIA was required, but that such an assessment or determination was not carried out or made;

III A determination as to whether development was carried out after 26 February 1997, which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out;

IV A determination as to whether the development commenced after 3 July 2008;

V A decision regarding whether the registration requirements of section 261 were complied with.

Section 261A of the Planning and Development Act, 2000 and related provisions - Guidelines for Planning Authorities

Guideline to planning authorities were issued by the Minister for the Environment, Community and Local Government in January 2012, pursuant to section 28 of the Planning and Development Act 2000, as amended. Supplementary Guidelines issued in July 2012 reflect amendments to section 261A as detailed in the European Union (Environmental Impact Assessment and Habitats) Regulations 2012, (S.I. No. 246 of 2012), effective from 9 July 2012. For ease of reference relevant extracts from the guidelines (as amended) are reproduced in related sections of this report.

Definition of 'Quarry'

In accordance with Section 2(1) of the Act of 2000 as amended by Section 16 of the Environment (Miscellaneous Provisions) Act 2011, the term 'quarry' has the meaning assigned to it in section 3(3) of the Mines and Quarries Act 1965. This provides that a 'quarry' includes "any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals including the breaking, crushing, grinding, screening, washing or dressing of such minerals but subject thereto does not include a place at which any manufacturing process is carried on".

Information Sources

This assessment for the purposes of Section 261A of the Planning and Development Acts 2000-2010 is based on information available at the time of writing. The principal sources drawn upon include the available council records, particularly those relating to planning applications, and documents submitted in relation to the Section 261 registration of quarries from 2005 to the present date. Other sources / documents are used as appropriate where they provide relevant information. In the absence of suitable historic mapping information in council records, historic aerial photography in the possession of the Council has been used as a basis for assessing the likely extent of development at a particular time. The best technology available to the council has been used in the examination of aerial photography in order to ensure that the information derived from such sources is reasonably accurate for the purpose of this review. Where a relevant source document is not available this is noted in the report, and the basis of any assumptions or estimations made in the absence of such documents is presented and explained. It should be noted that extensive searches have been carried out for any missing relevant source documents.

I

DECISION REGARDING WHETHER THE QUARRY IS AUTHORISED:

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Section 261A(3)(a)(i): Decision of the planning authority under subsection (3)

A decision regarding whether the quarry commenced operation prior to 1 October 1964 or whether planning permission was granted in respect of the quarry.

The Quarry Guidelines (2012) advise*:*

3.3 Section 261A(3): Decision of the planning authority under subsection (3)
Where the planning authority has made a determination under subsection (2)(a) in respect of a quarry that EIA, a determination in relation to EIA, or an appropriate assessment was required but not carried out/made, it must also decide the following in respect of the quarry:

(a) whether the quarry at some stage obtained planning permission or whether it commenced operation prior to 1 October 1964 and

(b) whether the quarry fulfilled the requirements in relation to registration under section 261 (if required to do so).

In relation to (a), the planning authority will already have examined whether the quarry obtained a permission, or commenced prior to 1 October 1964, in making the determination under subsection (2)(a).

It is important to note at this point that in order to fulfil the requirement at (a), the quarry just has to have commenced prior to 1964 – it does not have to be operating under a "pre-1964 authorisation" as outlined above: if the quarry was deemed, in respect of post-1990/post-1997 development as appropriate, to be operating under a "pre-1964 authorisation" it would not have been found to have required environmental impact assessment/screening/appropriate assessment in the first place and it would not therefore have been subject to a determination under subsection 2(a).

Similarly in relation to the permission question, the requirement is just that a planning permission was granted at some stage, the requirement is not for the permission to be current, or for the development to be in accordance with the permission.

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 - page 11)

The application submitted in relation to the registration of the De Selby quarry under Section 261 indicates that quarrying was in operation on the subject lands prior to 1st October 1964. Information submitted with the S. 261 application states that the quarry has been in operation since c. 1913 and that Roadstone has operated the quarry continuously since 1955. In this regard it is noted that the submission received from Roadstone Wood Limited in relation to this examination under Section 261A, includes a copy of a lease registered in November 1913 to the De Selby Quarries Company Limited to quarry stone on lands at Corbally comprising a total of 116 acres in which Roadstone advise they have an interest. Brian Joyce, Mount Seskin Road, Corbally, Saggart is also a registered owner of part of the lands.

By order dated 20 April 2007 a statutory notice was served by the Council under Section 261(7) on Roadstone Dublin Limited requiring the submission of a planning application and an EIS for the continuation of quarrying operations at De Selby quarry. Planning permission for the continuation of

quarrying at De Selby quarry was subsequently authorised by decision of An Bord Pleanála on 26 June 2009 under Appeal Reference PL 06S.228842.

[Appendix 6 An Bord Pleanála decision Appeal Reference PL 06S.228842]

On the basis of the available information, it is considered that quarry development carried out prior to the grant of planning permission under register reference SD07A/0409 granted on 26 June 2009 is authorised on the basis of a pre-1964 commencement, and that the continuation of further quarrying is authorised on the basis of the decision of An Bord Pleanála on 26 June 2009 under appeal reference PL 06S.228842 (Register Reference SD07A/0409)

Conclusion

On the basis of an examination of the available information it is considered reasonable to conclude that quarry development carried out prior to the 26 June 2009 at the De Selby quarry operated by Roadstone Wood Limited at Corbally and Lugmore, Saggart, County Dublin, is authorised on the basis of a pre-1964 commencement, and that the continuation of quarrying is authorised on the basis of the decision of An Bord Pleanála on 26 June 2009 under appeal reference PL 06S.228842 (Register Reference SD07A/0409).

II

DETERMINATION IN RELATION TO ENVIRONMENTAL IMPACT ASSESSMENT

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Section 261A(2)(a)(i): Determination in relation to Environmental Impact Assessment

Whether development was carried out after 1 February 1990 which development would have required, having regard to the Environmental Impact Assessment Directive, an environmental impact assessment or a determination as to whether an environmental impact assessment was required, but that such an assessment or determination was not carried out or made.

The Quarry Guidelines (2012) advise*:*

3.2.1 General

Under subsection (2)(a), as amended by Regulation 16 of the European Union (Environmental Impact Assessment and Habitats) Regulations 2011 (SI 473 of 2011), a planning authority is required to examine each quarry in its administrative area to determine whether

> development was carried out after 1 February 1990 which development would have required, having regard to the Environmental Impact Assessment Directive, an environmental impact assessment or a determination as to whether an environmental impact assessment was required, but that such an assessment or determination was not carried out or made

3.2.2 Development after 1 February 1990/26 February 1997

Making the determinations referred to above will require a planning authority to firstly make the best assessment it can of the scale of the development that has taken place after 1/2/1990 in relation to the EIA Directive and after 26/2/1997 in relation to the Habitats Directive.

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 page 6)

On the basis of aerial photography flown in the period 1971 to 2009 it appears that the extent of the quarry workings at De Selby has increased from an area comprising 6.41 hectares in 1971 to 9.63 hectares in 2009, as detailed in Table 3.

Table 3 Estimated increase in quarry area at De Selby quarry 1971-2009

Year of photography	**Estimated quarry area** (hectares)	**Increase in quarry area** (hectares)
1971	6.41	nil
1978	7.74	1.33
1986	8.86	1. 12
1995	8.93	0.07
2000	9.63	0.70
2005	9.63	nil
2009	9.63	nil

[Appendix 7 Aerial photography 1971-2009]

The Quarry Guidelines (2012) advise*:*

3.2.3 Whether post 1990 and/or post 1997 development is authorised?
When the planning authority has made an assessment of the amount of development that has taken place since 1 February 1990 and/or 26 February 1997 in the case of any quarry, it must decide whether EIA/appropriate assessment would have been required in respect of this development, but was not carried out.

The first point to note here is that if the development carried out after 1/2/1990 was authorised by a planning permission granted prior to 1/2/1990 EIA is not required in respect of such development under the Directive because the Directive does not apply in respect of projects authorised before the Directive became operative. Any development which obtained planning permission before the EIA Directive came into effect and is operating in accordance with the terms of its planning permission is not affected by the Directive and does not require EIA under the terms of the Directive. Similarly appropriate assessment is not required in respect of development authorised by a planning permission granted prior to 26 February 1997. Obviously therefore the planning register should be checked to find out whether any planning permission or permissions were granted in respect of the quarry, and what is the extent of the development authorised by the permission(s). Where it is established that any post-February 1990 development is authorised by a pre-February 1990 planning permission, or that any post-February1997 development is authorised by a pre-February 1997 planning permission no further action is required in respect of that quarry under section 261A.

The second point to note is that any quarry which applied for and obtained planning permission under section 261(7) will not be caught by this subsection, in respect of the EIA requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 pages 6-7)

It is noted that a copy of ordnance survey Dublin Sheet 21 surveyed in 1837 and revised in 1937 submitted in relation to the application to register the quarry illustrates a quarry comprising c. 3 acres at this location. Aerial photography flown in the period between 1995 and 2009 illustrates a quarry at this location comprising of c. 8.93 hectares in 1995, and 9.63 hectares in 2000, 2005 and 2009.

[Appendix 8 Ordnance survey Dublin Sheet 21 surveyed in 1837 and revised in 1937]

As concluded previously, it is considered on the basis of an examination of the available information that quarry development carried out prior to the 26 June 2009 at the De Selby quarry is authorised on the basis of a pre-1964 commencement, and the continuation of quarrying is authorised by decision of An Bord Pleanala on 26 June 2009 under Appeal Reference PL06S.228842, which was subject to environmental impact assessment.

As noted previously, the planning application for the continuation of quarrying under Register Reference SD07A/0409 was made in compliance with an order made under Section 261(7) of the

Planning and Development Act 2000 requiring the submission of a planning application and EIS in that regard.

The Guidelines (2012) advise that any quarry which applied for and obtained planning permission under section 261(7) will not be subject to subsection 261A(2)(a)(i) in respect of the EIA requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

On the basis of information available to the Council it appears that there has been no recent further development in the quarry which was not authorised either by the pre-1964 commencement or by the permission granted under section 261(7), and which would require EIA.

Conclusion

On the basis of an examination of the available information it is considered reasonable to conclude that the quarry at Corbally and Lugmore, Saggart, operated by Roadstone Wood Limited, and authorised by decision of An Bord Pleanála on 26 June 2009 under Appeal Reference PL06S.228842, is not subject to the requirements under subsection 261A(2)(a)(i) for a determination in relation to Environmental Impact Assessment.

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III

DETERMINATION IN RELATION TO HABITATS ASSESSMENT

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Section 261A(2)(a)(ii) Determination in relation to Appropriate Assessment

Whether development was carried out after 26 February 1997 which development would have required an appropriate assessment, having regard to the Habitats Directive, but that such an assessment was not carried out.

The Quarry Guidelines (2012) advise*:*

Section 261A(2): Determination in relation to appropriate assessment
Under subsection (2)(a), as amended by Regulation 16 of the European Union (Environmental Impact Assessment and Habitats) Regulations 2011 (SI 473 of 2011), a planning authority is required to examine each quarry in its administrative area to determine

> Whether development was carried out after 26 February 1997 which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 page 6)

The Quarry Guidelines (2012) advise*:*

……appropriate assessment is not required in respect of development authorised by a planning permission granted prior to 26 February 1997. Obviously therefore the planning register should be checked to find out whether any planning permission or permissions were granted in respect of the quarry, and what is the extent of the development authorised by the permission(s). Where it is established that any post-February1997 development is authorised by a pre-February 1997 planning permission no further action is required in respect of that quarry under section 261A.

Where the quarry has not got a planning permission it will necessary to decide……. whether the post-1997 development was authorised by a bona fide pre-1964 use and so might be said to have a "pre-1964 authorisation".

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 page 7)

As concluded previously, it is considered on the basis of an examination of the available information that quarry development at the De Selby quarry carried out prior to the 26 June 2009 is authorised on the basis of a pre-1964 commencement, and the continuation of quarrying from that date is authorised on the basis of the planning permission granted by An Bord Pleanala on 26 June 2009 under Register Reference SD07A/0409 which was subject to environmental impact assessment.

In this regard it is noted that Regulation 27 of the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94/1997) states:

> *27. (1) A local authority when duly considering an application for planning permission, or the Board when duly considering an appeal on a application for planning permission, in respect of a proposed development that is not directly connected with, or necessary to the*

> *management of, a European site but likely to have a significant effect thereon either individually or in combination with other developments, shall ensure that an appropriate assessment of the implications for the site in view of the site's conservation objectives is undertaken.*
>
> *(2) An environmental impact assessment in respect of a proposed development prepared in accordance with a requirement of or under the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994), shall be an appropriate assessment for the purposes of paragraph (1).*

As noted previously, the planning application for the continuation of quarrying under Register Reference SD07A/0409 was made in compliance with an order made under Section 261(7) of the Planning and Development Act 2000 requiring the submission of a planning application and EIS in that regard.

The Guidelines (2012) advise that any quarry which applied for and obtained planning permission under section 261(7) will not be subject to subsection 261A(2)(a)(ii) in respect of the Habitats Assessment requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

On the basis of information available to the Council it appears that there has been no recent further development in the quarry which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

Conclusion

On the basis of an examination of the available information it is considered reasonable to conclude, having regard to the Habitats Directive, that the quarry at Corbally and Lugmore, Saggart, operated by Roadstone Wood Limited, and authorised by the planning permission granted by An Bord Pleanala on 26 June 2009 under Register Reference SD07A/0409, is not subject to the requirements under subsection 261A(2)(a)(ii) in respect of a determination in relation to appropriate assessment under the Habitats Directive.

IV

DETERMINATION REGARDING WHETHER DEVELOPMENT COMMENCED AFTER 3rd JULY 2008

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Section 261A(5)(a): Determination regarding whether development was carried out after 3 July 2008 which development would have required an environmental impact assessment, a determination in relation to EIA, or an appropriate assessment, having regard to the EIA Directives and the Habitats Directive, but that such were not carried out or made.

The Quarry Guidelines (2012) advise*:*

3.5 Section 261A(5): Determination by a planning authority and issue of notice under subsection (5)

Where the planning authority makes a determination under subsection (2)(a) that EIA, a determination in relation to EIA, or an appropriate assessment was required but not carried out/made, it must also make a further determination under subsection (5)(a): under this subsection the planning authority must determine whether development took place after 3 July 2008 (i.e. the date of the ECJ ruling in case C-215/06) which would have required an EIA, a determination in relation to EIA, or an appropriate assessment but such were not carried out/made. A planning authority will only make such a determination where the development that took place after 3 July 2008 would of itself have required EIA, a determination in relation to EIA, or an appropriate assessment. In this case the quarry owner/operator will not be permitted to apply for substitute consent but instead an enforcement notice will be issued by the planning authority requiring the cessation of the unauthorised quarry development.

In determining whether EIA would have been required in respect of post 2008 development, the same methodology applies as in making the subsection (2)(a) determination as set out above, that is, ascertaining whether the post 2008 development in itself:

- brings the entire quarry to a size in excess of 5 hectares and
- represents an increase of over 25% on the pre-July 3 2008 development and
- is in itself in excess of 2.5 hectares

or

- would have significant effects on the environment.

(Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 - page 14)

As previously concluded on the basis of an examination of the available information under subsections 261A(2)(a)(i) it is considered reasonable to conclude that the quarry at Corbally and Lugmore, Saggart, operated by Roadstone Wood Limited, and authorised by the planning permission granted by An Bord Pleanála on 26 June 2009 under Register Reference SD07A/0409, is not subject to the requirements under subsection 261A(2)(a)(i) and (ii) in respect of a determination in relation to the Environmental Impact Assessment or appropriate assessment having regard to the EIA and the Habitats Directives.

It is considered therefore that no requirement arises for an examination of the quarry under subsection 261A(5)(a).

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V

DECISION REGARDING WHETHER THE REGISTRATION REQUIREMENTS OF SECTION 261 WERE COMPLIED WITH.

Section 261A(3)(a)(ii): Decision of the planning authority under subsection (3)

Whether the quarry fulfilled the requirements in relation to registration under section 261 (if required to do so).

The Quarry Guidelines (2012) advise*:*

3.3 Section 261A(3): Decision of the planning authority under subsection (3)[2]
Where the planning authority has made a determination under subsection (2)(a) in respect of a quarry that EIA, a determination in relation to EIA, or an appropriate assessment was required but not carried out/made, it must also decide the following in respect of the quarry:

(b) whether the quarry fulfilled the requirements in relation to registration under section 261 (if required to do so).

In relation to (b), it may be noted that the requirement is to have fulfilled the requirements in relation to registration as opposed to having "registered".

[Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 - page 11]

S261 Registration Requirements

The registration requirements to be fulfilled by the owner or operator of a quarry to which section 261 applies are set out in sub-sections 1, 2, 3 and 11 of section 261 as detailed below.

(1) The owner or operator of a quarry to which this section applies shall, not later than one year from the coming into operation of this section, provide to the planning authority, in whose functional area the quarry is situated, information relating to the operation of the quarry at the commencement of this section, and on receipt of such information the planning authority shall, in accordance with section 7, enter it in the register.

(2) Without prejudice to the generality of subsection (1), information provided under that subsection shall specify the following—
(a) the area of the quarry, including the extracted area delineated on a map,
(b) the material being extracted and processed (if at all),
(c) the date when quarrying operations commenced on the land (where known),
(d) the hours of the day during which the quarry is in operation,
(e) the traffic generated by the operation of the quarry including the type and frequency of vehicles entering and leaving the quarry,
(f) the levels of noise and dust generated by the operations in the quarry,
(g) any material changes in the particulars referred to in paragraphs (a) to (f) during the period commencing on the commencement of this section and the date on which the information is provided,
(h) whether—
(i) planning permission under Part IV of the Act of 1963 was granted in respect of the quarry and if so, the conditions, if any, to which the permission is subject, or
(ii) the operation of the quarry commenced before 1 October 1964, and
(iii) such other matters in relation to the operations of the quarry as may be prescribed.

[2] The Supplementary Guidelines for Planning Authorities issued in July 2012 provide clarification that the phrase "having fulfilled the requirements in relation to registration" means the same as having "registered", and does not refer to compliance with conditions that may have been imposed under section 261(6). [Guidelines July 2012 page 7]

(3) A planning authority may require a person who has submitted information in accordance with this section to submit such further information as it may specify, within such period as it may specify, relating to the operation of the quarry concerned and, on receipt thereof, the planning authority shall enter the information in the register.

(11) This section shall apply to—
(a) a quarry in respect of which planning permission under Part IV of the Act of 1963 was granted more than 5 years before the coming into operation of this section, and
(b) any other quarry in operation on or after the coming into operation of this section, being a quarry in respect of which planning permission was not granted under that Part.

Information relating to the quarry at Corbally and Lugmore operated by Roadstone Dublin Limited, was received on 22 April 2005 and was duly entered in the Planning Register. Information provided included a map of the site, details of the quarry owner / operator, landownership, planning history, and quarry operation details including the type of material being extracted, the hours of operation, daily vehicle movements, and measures to control noise and dust. A revised map and other details were subsequently submitted on 28 September 2005 in response to a request for additional information.

A notice published in the Irish Times on 19 October 2005 in accordance with Section 261(4) invited submissions from members of the public on the quarry, and stated that the Planning Authority was proposing to require that a planning application and EIS be submitted in accordance with Section 261(7). No submissions relating to the subject quarry were received during the specified period.

An Order dated 21 April 2006 was subsequently made under Section 261(7) requiring the owner/operator to apply for planning permission and to submit an environmental impact statement in respect of the continued operation of the De Selby quarry at Corbally and Lugmore, Saggart, Co. Dublin. An application for planning permission and an EIS were subsequently received from Roadstone on 1 June 2007 for development comprising the proposed continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25 hectares.

[Appendix 9 S261 order, report and conditions]

Conclusion

On the basis of an examination of the available information, it is considered reasonable to conclude that the requirements in relation to registration under Section 261 of the Planning and Development Act 2000, have been fulfilled in respect of the quarry operated by Roadstone Wood Limited at Corbally and Lugmore, Saggart, Co. Dublin.

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SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

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Summary

An examination of all available information relating to the development of the quarry in the townland of Corbally and Lugmore, Saggart, County Dublin, operated by Roadstone Wood Limited, has established the following:

- Information submitted with the S. 261 registration application states that the quarry has been in operation since c. 1913 and that Roadstone has operated the quarry continuously since 1955.
- Information submitted by Roadstone in relation to the S. 261A review includes a copy of a lease registered in November 1913 to the De Selby Quarries Company Limited to quarry stone on lands at Corbally comprising a total of 116 acres in which Roadstone advise they have an interest. Brian Joyce, Mount Seskin Road, Corbally, Saggart is also a registered owner of part of the lands.
- OS survey Dublin Sheet 21 surveyed in 1837 and revised in 1937 illustrates a quarry comprising c. 3 acres at this location.
- The subject quarry appears to have the benefit of a pre-1964 commencement.
- The quarry was registered in accordance with the provisions of section 261of the Planning and Development Act 2000.
- A statutory notice was served under Section 261(7) on Roadstone Dublin Limited requiring the submission of a planning application and an EIS for the continuation of quarrying operations at De Selby quarry. An application and EIS were subsequently submitted.
- Planning permission for the continuation of quarrying at De Selby quarry was subsequently authorised by a decision of An Bord Pleanála on 26 June 2009.
- It appears that there has been no recent further development in the quarry which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.
- As planning permission was granted on foot of an application made in accordance with a notice served under section 261(7) the quarry is not subject to the requirements under section 261A.

Conclusion

The Quarry Guidelines (2012) advise*:*

3.2.3 Whether post 1990 and/or post 1997 development is authorised?

The second point to note is that any quarry which applied for and obtained planning permission under section 261(7) will not be caught by this subsection, in respect of the EIA requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

[Section 261A of the Planning and Development Act, 2010 and related provisions - Guidelines for Planning Authorities Jan. 2012 - page 7]

As concluded previously, it is considered on the basis of an examination of the available information that quarry development carried out prior to 26 June 2009 at the De Selby quarry is authorised on the basis of a pre-1964 commencement, and the continuation of quarrying is authorised by decision of An Bord Pleanála on 26 June 2009 under Appeal Reference PL06S.228842, which was subject to environmental impact assessment.

As noted previously, the planning application for the continuation of quarrying under Register Reference SD07A/0409 was made in compliance with an order made under Section 261(7) of the Planning and Development Act 2000 requiring the submission of a planning application and EIS in that regard.

The Guidelines (2012) advise that any quarry which applied for and obtained planning permission under section 261(7) will not be subject to subsection 261A(2)(a)(i) in respect of the EIA requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

On the basis of information available to the Council it appears that there has been no recent further development in the quarry which was not authorised either by the pre-1964 commencement or by the permission granted under section 261(7), and which would require EIA. It is considered therefore that no requirement arises under S. 261A in respect of the subject quarry.

Recommendation

Following an examination of all available information it is considered, on the basis of an examination of the available information that quarry development carried out prior to 26 June 2009 at the De Selby quarry is authorised on the basis of a pre-1964 commencement, and the continuation of quarrying is authorised by decision of An Bord Pleanála on 26 June 2009 under Appeal Reference PL06S.228842, which was subject to environmental impact assessment.

As noted previously, the planning application for the continuation of quarrying under Register Reference SD07A/0409 was made in compliance with an order made under Section 261(7) of the Planning and Development Act 2000 requiring the submission of a planning application and EIS in that regard.

The Guidelines (2012) advise that any quarry which applied for and obtained planning permission under section 261(7) will not be subject to subsection 261A(2)(a)(i) in respect of the EIA requirement, unless there has been recent further development in the quarry, which was not authorised by the permission granted under section 261(7) and which would require EIA or appropriate assessment.

On the basis of information available to the Council it appears that there has been no recent further development in the quarry which was not authorised either by the pre-1964 commencement or by the permission granted under section 261(7), and which would require EIA. It is considered therefore that no requirement arises under S. 261A in respect of the subject quarry.

It is recommended that an order be made to that effect and that the relevant owners and or operators of the landholding be advised that no requirement arises for the relevant determinations or decisions to be made by the Planning Authority under section 261A of the Planning and Development Act 2000 (as amended).

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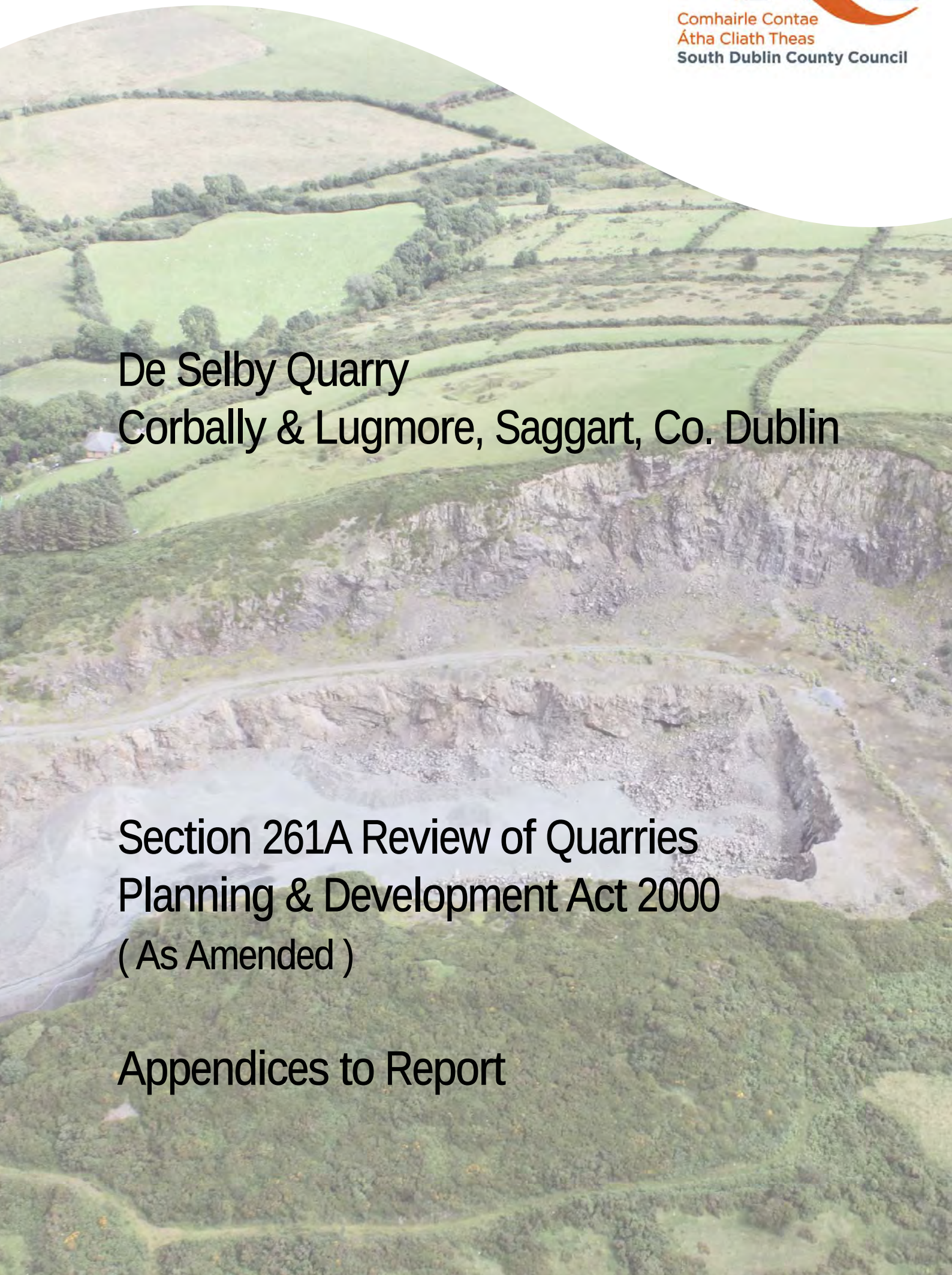
Date **Senior Executive Planner**

_____ _____

Date **N. O'Byrne**
Senior Planner

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Comhairle Contae
Átha Cliath Theas
South Dublin County Council



De Selby Quarry
Corbally & Lugmore, Saggart, Co. Dublin

Section 261A Review of Quarries
Planning & Development Act 2000
(As Amended)

Appendices to Report

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De Selby Quarry,

Corbally and Lugmore,

Saggart,

Co. Dublin.

SOUTH DUBLIN COUNTY COUNCIL

SECTION 261A PLANNING AND DEVELOPMENT ACT 2000
REVIEW OF QUARRIES

APPENDICES TO REVIEW OF DE SELBY QUARRY

ROADSTONE WOOD LTD
(Brian Joyce, Mount Seskin Road, Corbally, Saggart is registered owner of part of the lands)

APPENDICES TO REVIEW OF DE SELBY QUARRY

Appendices

Appendix 1 Location map

Appendix 2 Map illustrating sites of nature conservation interest

Appendix 3 Context aerial photo 2005

Appendix 4 Planning history documents

Appendix 5 S261A submission No. 44

Appendix 6 Appeal decision and conditions SD07A/0409

Appendix 7 Aerial photography 1971-2009

Appendix 8 Ordnance survey Dublin sheet 21

Appendix 9 S261 order, report, conditions

ADDENDUM

Note re appropriate assessment in relation to the feeding grounds of the Greylag Goose at Mountseskin and Gortlum, Brittas, Co. Dublin.

APPENDIX 1

LOCATION MAP, PROSPECTS TO BE PRESERVED, RELEVANT EXTRACTS FROM DEVELOPMENT PLANS 1998 AND 2010-2016

APPENDIX 1

LOCATION MAP, PROSPECTS TO BE PRESERVED, RELEVANT EXTRACTS FROM DEVELOPMENT PLANS 1998 AND 2010-2016

N

Roadstone
Belgard

Behan
Rathcoole

De Selby Quarry

Kilsaran
Ballinascorney

Shillelagh Quarry

Dublin City

De Selby Context Location Map

Legend

De Selby Quarry

SDCC County Boundary

Ordnance Survey of Ireland
Discovery Series Mapping.

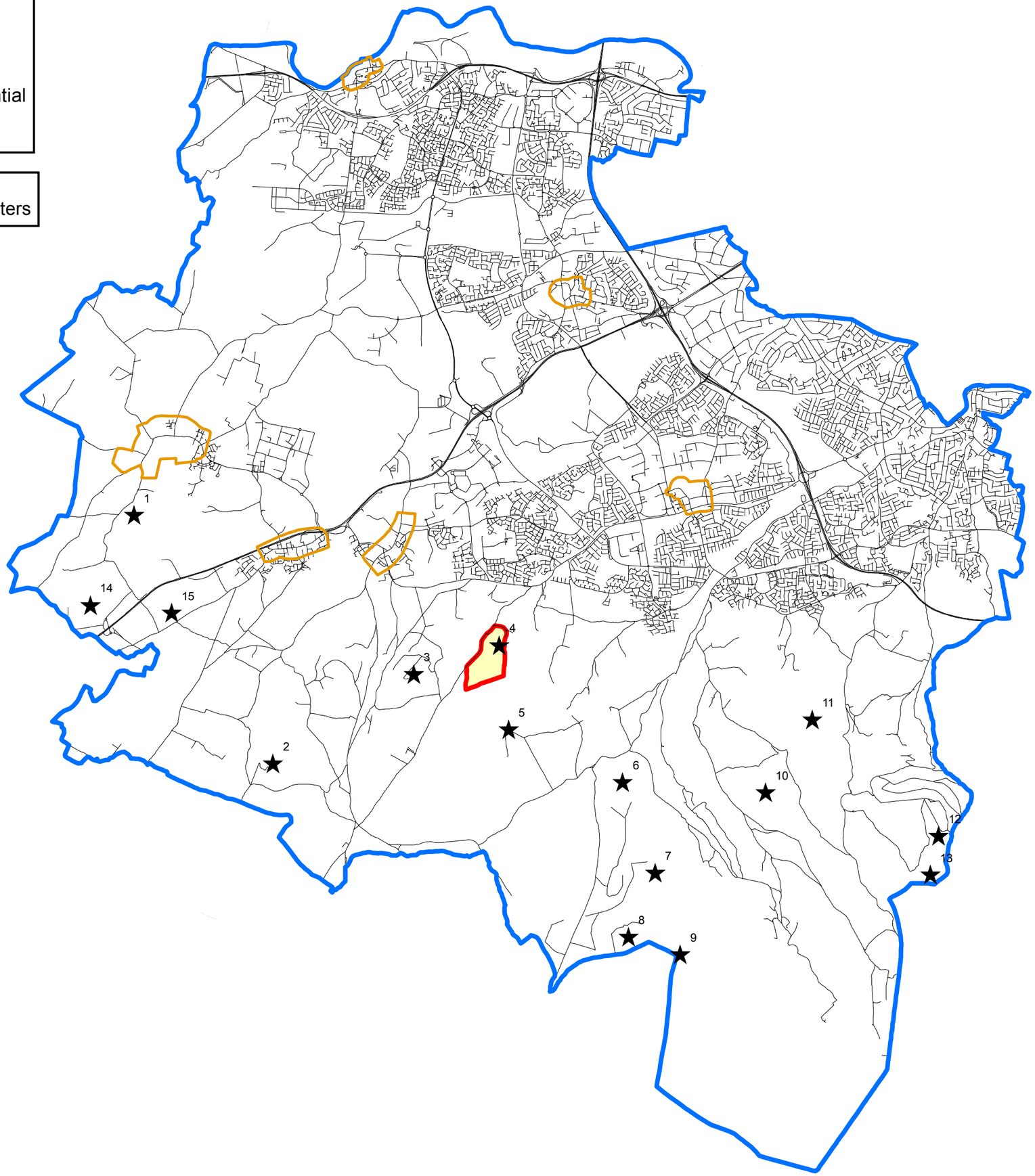
0 1,000 2,000 4,000 6,000 8,000 Meters

Legend

- ★ Prospects
- Areas of Archaelogical Potential
- De Selby Quarry

0 1,250 2,500 5,000 Meters

Prospects	ID
Athgoe Hill	1
Saggart Hill	2
Verschoyle's Hill	3
Lugmore	4
Knockannavea	5
Sliabh na mBanog	6
Ballymorefinn Hill	7
Seahan	8
Corrig Mountain	9
Piperstown Hill	10
Mountpelier	11
Cruagh Mountain	12
Kilakee Mountain	13
Busty Hill	14
Windmill Hill	15



N

342

373

386

Extract from SDCC
2010-2016
Development Plan Map

Legend

- County Boundary
- Natural Heritage Areas
- Protect and Preserve Significant Views
- Record of Protected Structures
- Objective A.
- Objective A1
- Objective B
- Objective CT
- Objective DC
- Objective F
- Objective G
- Objectice GB
- Objective H
- Objective I
- Objective LC
- Objective TC
- Objective EP1
- Objective EP2
- Objective EP3

0 125 250 500 750 1,000
Meters

N

Legend

- De Selby Quarry
- County Boundary
- Objective A
- Objective A1
- Objective B
- Objective CT
- Objective TC
- Objective DC
- Objective LC
- Objective E
- Objective F
- Objective G
- Objective GB
- Objective H

Extract from SDCC
1998-2004
Development Plan Map

0 125 250 500 750 1,000
Meters

Section 261A Review of Quarries

De Selby Quarry

Relevant Policies and objectives of South Dublin County Development Plans 1998-2004 and 2004-2010

County Development Plan 1998-2004

Extractive Industry

Policy E15: Extractive Industry

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

Paragraph 3.5.9.i Extractive Industry states:

> In dealing with applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of the activity proposed, the impact on the adjoining road network and its effect on the environment.

Paragraph 3.5.9.ii states:

> Applications for development within this category will be expected to be accompanied by an Environmental Impact Statement and a detailed landscaping plan. The plan should indicate proposed screening for the life of the site and set out a programme for the reinstatement of the landscape.

Paragraph 3.3.13 Upland Mountain Areas

3.3.13.i

Within that part of the Dublin Mountains Area which is generally above the 350 metre contour, the Council shall in the control of development seek to retain the open natural character of mountain heaths and mountain blanket bogs. The control of development shall also be exercised with the objective of enhancing the outdoor recreational potential of the area while protecting and sustaining the environmental capacity of the upland landscape.

Paragraph 3.3.1.4.i Special Areas of Conservation/Natural Heritage Areas

3.3.14.i

An Environmental Impact Assessment will be required in respect of any development likely to have an impact on a proposed Special Area of Conservation-irrespective of the location of the development. Planning permission would not normally be granted where such assessment shows that the development would have an adverse effect on the integrity of the Special Area of Conservation.

3.3.14.ii

Within areas proposed as Natural Heritage Areas (NHA) development control will be exercised with the primary objective being the conservation of the natural heritage; that is the ecological systems, the plant and animal species associated with them and the landscape formed by them.

Preservation and Conservation of Buildings, Structures and Sites

Policy H3 Preservation and Conservation of Buildings, Structures and Sites states:

> It is the policy of the Council to preserve and protect buildings, structures and sites of architectural, historic, artistic or archaeological interest and which contribute to the character and heritage of the County.

Paragraph 2.7.3.i of the Development Plan Written Statement (page 35) states that

It is the intention of the Council to secure the preservation of the houses, buildings and other structures and sites specified in List 1.

Archaeological Potential

Policy H4: Areas of Archaeological Potential

It is the policy of the Council to protect, where practical, areas designated as being of archaeological potential.

County Development Plan 2004-2010

2.3.17 Policy EE17: Extractive Industry

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

2.3.17.ii
The Council recognises the importance of the extractive industry in providing the aggregates and building materials required for all forms of construction, and will facilitate its operation in suitable locations, having taken into account the continued reduction in demand with the increased re-cycling of construction and demolition waste. However such industry can have severely damaging environmental effects and permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water will be safeguarded. In addition all development proposals must make appropriate provision for the reinstatement of the landscape. Details of proposed reinstatement should accompany planning applications for extractive developments.

2.3.17.iii
The Council will seek to ensure that significant aggregate resources in the County are appropriately protected and in this regard will restrict the siting of incompatible developments that would interfere with the efficient development of such resources.

2.3.17.iv
It is an objective to carry out a comprehensive study of aggregate resources in the County with a view to the preparation of a strategy for their sustainable exploitation, having regard to relevant legislation and guidelines, and to the views of all interested parties.

8.3.1 Policy AA 1: Protection of Archaeological Heritage
8.3.1.i
It is the policy of the Council to protect and conserve the archaeological heritage of the county.

8.3.1.ii
Implementation of this policy will involve, inter alia:
a) Designation of Areas of Archaeological Potential, and b) Safeguarding the integrity and the setting of archaeological monuments and sites, protecting existing rights of way to such sites and seeking to establish public access where it does not exist at present.

8.3.2 Policy AA 2: Historical and Archaeological Sites and Features
8.3.2.i
It is the policy of the Council to secure the preservation (ie. preservation in-situ or, as a minimum, preservation by record) of all sites and features of historical and archaeological interest.

8.3.2.ii
In securing such preservation the Council will have regard to the advice and recommendations of the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government.

8.3.4 Policy AA 4: Conservation of Buildings, Structures and Sites
8.3.4.i
It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures that are of special architectural, historic,

archaeological, artistic, cultural, scientific, social or technical interest.

8.3.4.ii

The County has a wealth of features of architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest. Such features are contained in the Record of Protected Structures and the Record of Monuments and Places.

9.3 Policy - Landscape

9.3.i

Landscape is an important part of people's lives, giving individuals and communities a sense of identity and belonging and bestowing a sense of place on their surroundings. Landscape is also the context in which all change takes place and the key to successful landscape policy is the ability to manage change in a way that is respectful of the natural environment and rural areas.

9.3.ii

Section 10 of the Planning and Development Act, 2000 (as may be amended) requires that a Development Plan shall include objectives relating to the preservation of the character of the landscape, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest.

9.3.iii

The Development Plan divides the non-urban areas of the county into the following zones; Rural Amenity ('B'), Open Space ('F'), High Amenity ('G'), Green Belt ('GB') and Dublin Mountain Area ('H'). Policies and objectives are identified for each of the zones, where the main objective is either to protect or preserve them.

9.3.iv

The extensive rural areas of the County include the foothills of the Dublin Mountains, as well as the flat arable lands to the west of Clondalkin. The mountains are a major amenity with great potential for both active and passive recreational use. In terms of Development Plan policy, the issues faced by rural areas relate primarily to balancing the need for local social and economic development with protecting the area against pressures for development, generated by the proximity of the City. These include pressures for:

- Expansion of the suburbs
- Construction of one-off housing
- Leisure activities
- Extractive industry and landfill.

9.3.v

In order to address landscape issues in Ireland, The Department of the Environment and Local Government published "Draft Guidelines for Landscape and Landscape Assessment, 2000", which provide a framework for Local Authorities to carry out a Landscape Character Assessment for their functional areas. The objective of an assessment is to characterise landscapes and to assess the sensitivity of various landscapes to development. South Dublin County Council has prepared a Landscape Character Areas assessment, including landscape descriptions, a strategy and a map. (See also Schedule 7).

9.3.1 Policy LHA 1: Preservation of Landscape Character

9.3.1.i

It is the policy of the Council to protect the character of the landscape in the County in accordance with the policies and objectives of the Development Plan and with the "Draft Guidelines for Landscape and Landscape Assessment, 2000" as issued by the Department of the Environment and Local Government or any finalised Guidelines issued by the Department.

9.4.4 Policy LHA 6: Special Areas of Conservation and Proposed Natural Heritage Areas

9.4.4.i

It is the policy of the Council to protect and preserve areas designated or proposed as Special Areas of Conservation (E.U. Habitats Directive) and Proposed Natural Heritage Areas.

9.4.4.ii

The County has a rich ecological, botanical and geological heritage and many such areas are considered worthy of conservation. This heritage can be easily damaged through pollution, land drainage, dumping, or recreational overuse.

9.4.4.iii

Special Areas of Conservation (E.U. Habitats Directive) and Proposed Natural Heritage Areas are shown on the Development Plan Maps and listed in Chapter 13 - Specific Objectives. It is the intention of the Council to protect and preserve these areas.

12.3.4 Extractive Industry

12.3.4.i

In dealing with applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the

scale of activity proposed, the impact on the adjoining road network and its effect on the environment.

12.3.4.ii

It will be a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape.

12.3.4.iii

The Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, April 2004 published by the Department of the Environment, Heritage and Local Government, or as may be amended from time to time. Any restriction arising as a consequence of the application by the Council of the Guidelines shall not be prejudicial to the provision of rural housing to qualifying applicants nor to any activity permitted under the zoning objective.

12.8.2 Water Supply and Drainage

12.8.2.i

Developers will be required to provide efficient and economical water main networks and separate surface water and foul drainage systems.

12.8.2.ii

In the case of industrial effluents, developers and property owners shall be required to seek a licence for discharges under the terms of the Water Pollution Acts 1977 and 1990 and relevant Regulations (or as may be amended from time to time).

12.8.2.iii

All significant developments impacting on flood risk areas will be required to provide a Flood Impact Assessment, to identify potential loss of flood plain storage and how it would be offset in order to minimise impact on the river flood regime. In all new developments details of attenuation requirements and

Sustainable Urban Drainage Systems (SUDS) shall be discussed with the Council prior to an application being submitted, in order to mitigate flooding risks.

12.8.2.iv

Where appropriate, details of a Sediment and Water Pollution Control Plan will be required to to be submitted for the agreement of the Council, prior to commencement of development.

12.11 Archaeological and Architectural Heritage

12.11.1 Development in Areas of Archaeological Potential

12.11.1.i

When considering development proposals within Areas of Archaeological Potential and on, or in close proximity to, sites of known archaeological significance, the

Council will have regard to the provisions of Section 12 of the National Monuments (Amendment) Act, 1994, or as may be amended from time to time. The Council will also have regard to the observations and

recommendations of the Office of Public Works and the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government.

12.11.1.ii

When considering such proposals regard will be had to the nature of sub-surface works which could impact on archaeological remains (e.g. foundation type and design, layout and location of services, road works, landscaping schemes etc.).

12.11.1.iii

The Council may require the developer to submit a report prepared by a suitably qualified archaeologist on the archaeological implications of the proposed development. In appropriate circumstances, the Council

when granting permission for development may impose conditions requiring;

• professional archaeological supervision of site excavations.

• the funding by the applicant of archaeological assessment, monitoring, testing or excavation of the site and the submission of a report thereon, prior to the commencement of development.

• the preservation of all or part of any archaeological remains on the site.

12.12.8 Special Areas of Conservation / Natural Heritage Areas

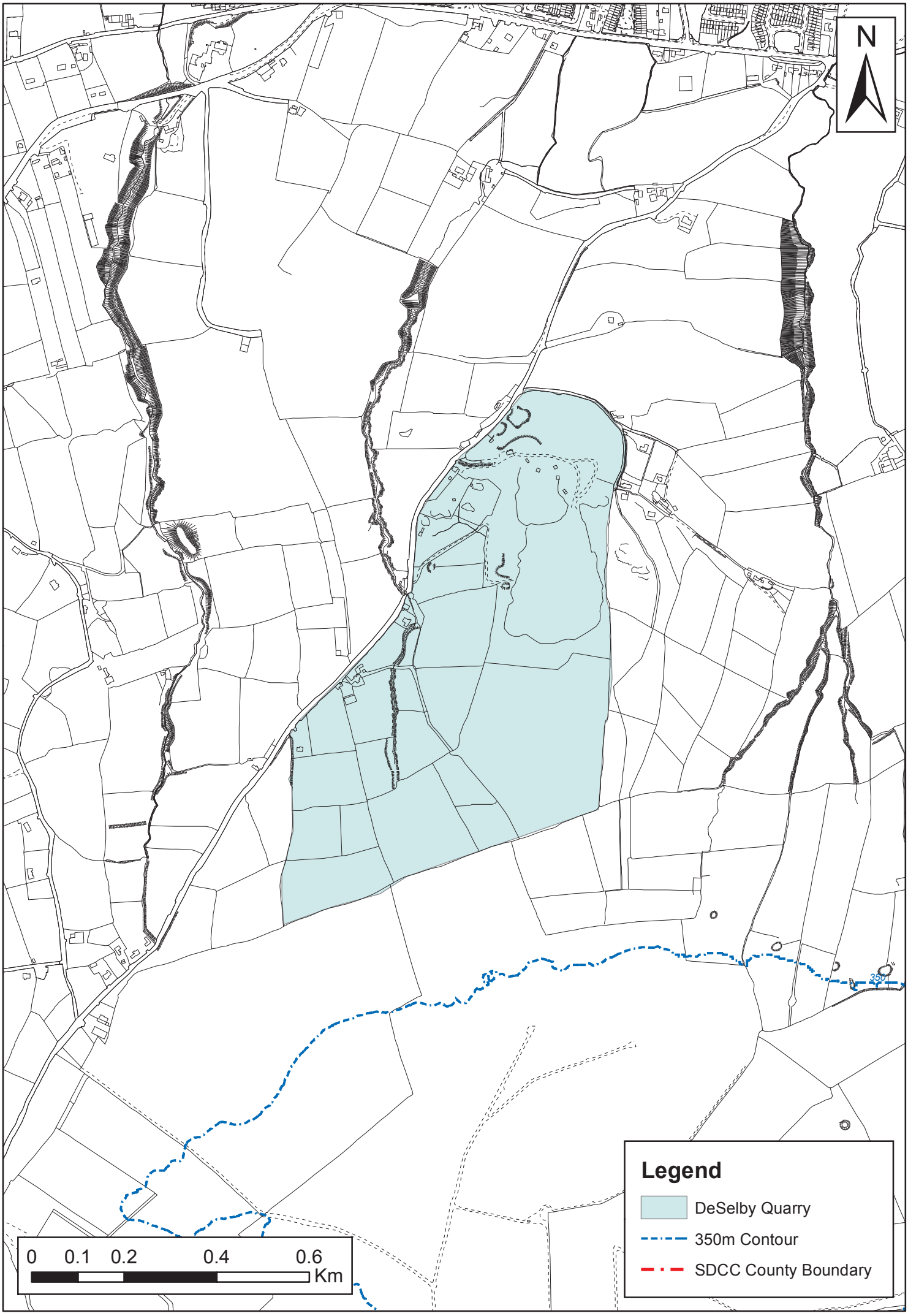
12.12.8.i

An Environmental Assessment will be required in respect of any development likely to have an impact on a proposed Special Area of Conservation - irrespective of the location of the development. Planning permission would not normally be granted where such assessment shows that the development would have an adverse effect on the integrity of the Special Area of Conservation

12.12.8.ii

Within areas proposed as Natural Heritage Areas (NHA) development control will be exercised with the primary objective being the conservation of the natural heritage; that is the ecological systems, the plant and animal

species associated with them and the landscape formed by them.


N
350
0 0.1 0.2 0.4 0.6
Km
Legend
DeSelby Quarry
350m Contour
SDCC County Boundary

APPENDIX 2

MAP ILLUSTRATING SITES OF NATURE CONSERVATION INTEREST

N

Liffey Valley

Grand Canal

Dublin City

Dodder Valley

Lugmore Glen

Slade Of Saggart & Crooksling Glen

Glenasmole Valley

Kilteel Wood

The Red Bog

Poulaphouca Reservoir

Wicklow Mountains

Discovery Series Mapping

Legend

- De Selby Quarry
- SDCC County Boundary
- Natural Heritage Areas
- Specia Areas of Conservation
- Special Protection Areas
- Rivers & Streams

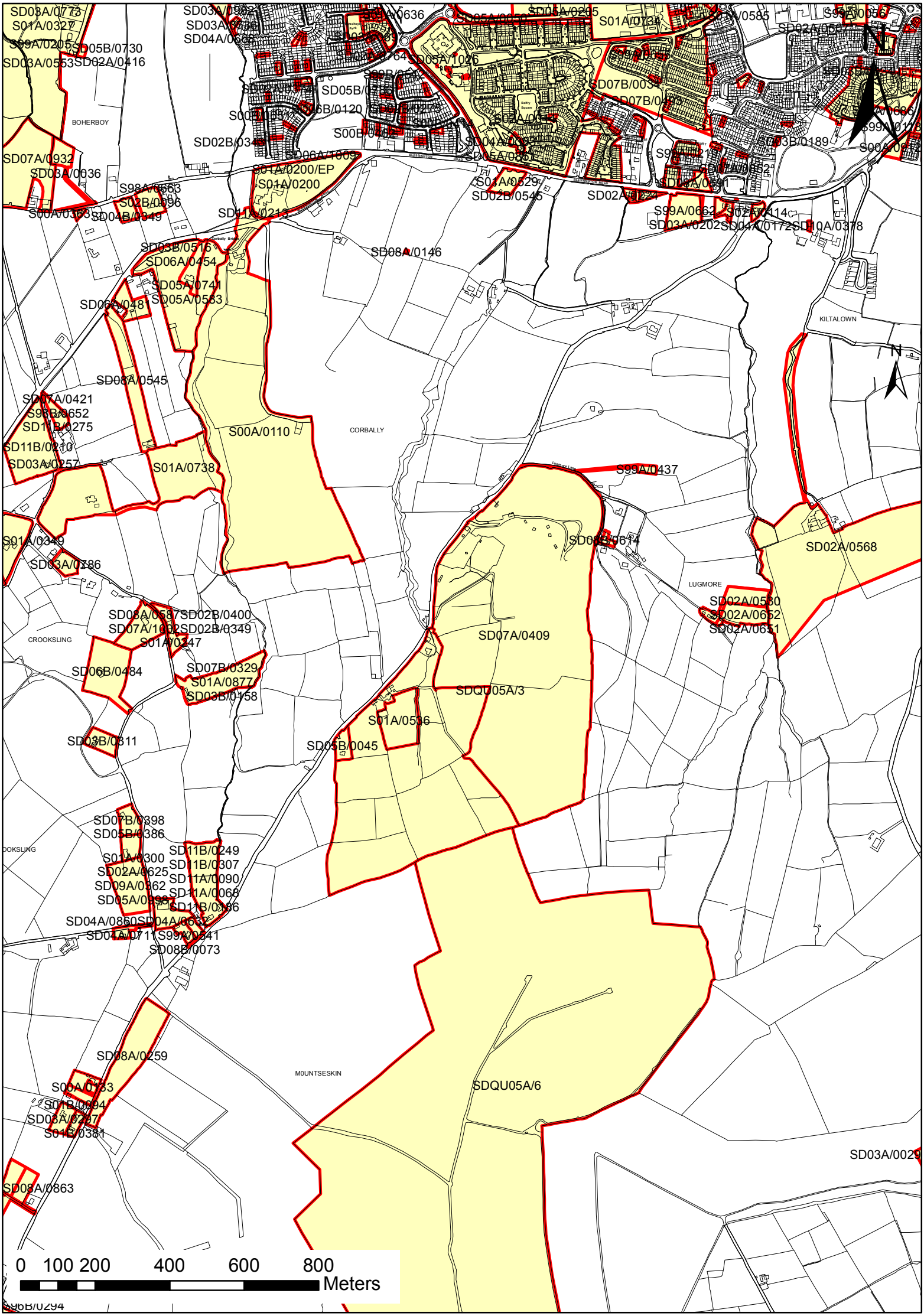
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APPENDIX 3
CONTEXT AERIAL PHOTO 2005



Photography by Gerry O'Leary - Printing by Repro 35 - image taken 08/08/05 De Selby

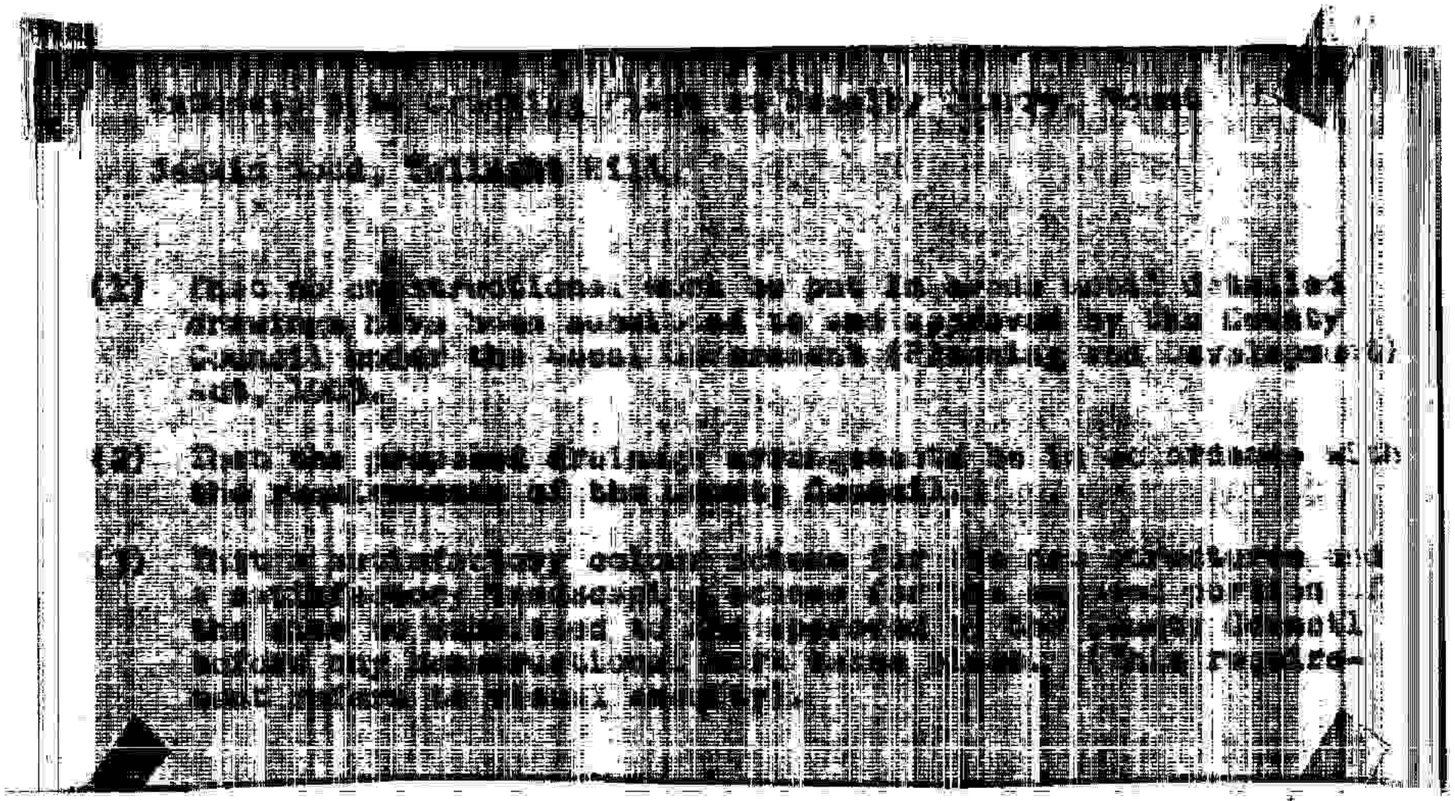
APPENDIX 4
PLANNING HISTORY DOCUMENTS


SD03A/0773
S01A/0327
S99A/0205
SD05B/0730
SD03A/0553
SD02A/0416
SD03A/0636
SD04A/0666
S01A/0636
SD05A/0226
S01A/0734
S99A/0585
S99A/0567
SD02A/0568
SD07B/0034
SD07B/0035
SD03B/0189
S99A/0118
S00A/0172
SD07A/0932
SD03A/0636
S98A/0663
SD02B/0096
S00A/0363
SD04B/0349
SD02B/0349
SD11A/0213
S01A/0200/EP
S01A/0200
S01A/0529
SD02B/0545
SD02A/0224
S99A/0662
SD02A/0414
SD03A/0202
SD04A/0172
SD10A/0378
SD03B/0516
SD06A/0454
SD08A/0146
SD05A/0741
SD05A/0583
SD06A/0048
SD08A/0545
SD07A/0421
S98B/0652
SD11B/0275
SD11B/0210
SD03A/0257
S00A/0110
CORBALLY
S01A/0738
S99A/0437
KILTALOWN
S01A/0349
SD03A/0786
SD08B/0674
SD02A/0568
LUGMORE
SD02A/0530
SD02A/0652
SD02A/0651
SD08A/0587
SD02B/0400
SD07A/1002
SD02B/0349
S01A/0247
CROOKSLING
SD07A/0409
SD06B/0484
SD07B/0329
S01A/0877
SD03B/0158
SDQU05A/3
S01A/0536
SD03B/0311
SD05B/0045
SD07B/0398
SD05B/0386
DOOKSLING
S01A/0300
SD02A/0625
SD09A/0562
SD05A/0998
SD11B/0249
SD11B/0307
SD11A/0090
SD11A/0068
SD11B/0186
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SD08A/0863
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Meters
S96B/0294

REGISTER REFEREFENCE: 11117
PROPOSED: OUTLINE PLANNING PERMISSION WAS GRANTED UNDER PLAN NO. 11117 ON 19 JANUARY 1967 FOR THE ERECTION OF CRUSHING PLANT AT DE SELBY QUARRY, SUBJECT TO THE APPROVAL OF DETAILED DRAWINGS, AND APPROVAL OF A SATISFACTORY LANDSCAPING SCHEME FOR THE EXPOSED PORTION OF THE QUARRY.

REGISTER REFEREFENCE: SD07A/0409 APPEAL REF. PL06S.228842
PROPOSED: CONTINUATION OF QUARRYING (THE PLANNING APPLICATION WAS MADE IN COMPLIANCE WITH AN ORDER MADE UNDER SECTION 261(7) WHICH REQUIRED THE SUBMISSION OF A PLANNING APPLICATION AND AN EIS FOR SUCH DEVELOPMENT).
PERMISSION GRANTED

Plan Number	DUBLIN COUNTY COUNCIL Local Government (Planning and Development) Act, 1963 **REGISTER** (Part I)						Folio
11117/1							28271 S
1. LOCATION	Deselby, Tallaght.						O.S. No. 21 XV Grid Ref.
2. PROPOSAL Subject of Application	Erection of Crushing, Screening, Asphalt Plant and offices.						
3. APPLICATION Type and Date	Type of Application: Outline Permission	Application Date: 10-10-66	Further Particulars Requested: 1 / 2		Further Particulars Received: 1 / 2		
4. SUBMITTED BY Name and Address	Name: Roadstone Ltd.		Address: Maas Road.				
5. PROPOSER'S NAME AND ADDRESS	Name: as above		Address: as above				
6. DECISION	O.C.M. & Date: 1232 9-12	Notified: 9-12-66	To grant outline permission - 3C.		S.26(2) (e)	S.26(2) (g)	S.26(2) (h)
7. GRANT	Date of Grant: 19-1-67	Sent: 9-2-67	Effect: outline permission granted - 3C.		S.26(2) (e)	S.26(2) (g)	S.26(2) (h)
8. APPEAL	Notification to Co. Council	DATE OF MINISTER'S DECISION	Effect of Decision of Minister				
9. S.26(3) APPLICATION	DATE OF APPLICATION	DATE OF MINISTER'S DECISION	Effect of Decision of Minister				
10. COMPENSATION	Claim		Ref. in Part II. (Compensation Register)				
11. ENFORCEMENT	Section		Ref. in Part III. (Enforcement Register)				
12. PURCHASE NOTICE							
13. REVOCATION OR AMENDMENT							
14.					Date of Issue of copy		
15.					*Registrar*		
16.					Co. Accountant's Receipt No.		



DUBLIN COUNTY COUNCIL

Tel. No. 76811 Ext. 20.

Form 1.

Planning Department,
Exchange Buildings,
Lord Edward Street,
Dublin 2.

NOTIFICATION OF A DECISION ON AN APPLICATION FOR AN OUTLINE PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963.

To: Roadst..e Limited,
Naas Road,
Dublin, 12.

Reference No. in Planning Register of Dublin County Council 2627

Planning Control No. 11117

Application received 10th October, 1966

APPLICANT Roadstone Ltd.

In pursuance of its functions under the above mentioned Act the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order P/1222/66 dated 7th December, 1966 make a decision pursuant to Section 26 (1) of the Act to grant an outline permission for:

Extensions to Crushing Plant at Deselby Quarry, Mount Seskin Road, Tallaght Hill,

subject to the following conditions:-

(1) That no constructional work be put in hands until detailed drawings have been submitted to and approved by the County Council under the Local Government (Planning and Development) Act, 1963.

(2) That the proposed drainage arrangements be in accordance with the requirements of the County Council.

(3) That a satisfactory colour scheme for the new structures and a satisfactory landscaping scheme for the exposed portion of the site be submitted to and approved by the County Council before any constructional work takes place. (This requirement refers to visual amenity).

If there is no appeal to the Minister for Local Government against this decision, outline permission will be granted by the Council on the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Act has been withdrawn, the Council will grant the outline permission as soon as may be after the withdrawal.

Signed on behalf of the Dublin County Council:

for County Secretary

Date: 9th December, 1966.

NOTE: An appeal against the decision may be made to the Minister by the applicant within one month from the date of receipt by the applicant of this notification or by any other person within twenty-one days of the date of the decision. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of the appeal and the nature of the appellant's interest in the property affected and should be addressed to the Secretary, Department of Local Government, Custom House, Dublin 1. When an appeal has been duly made and has not been withdrawn, the Minister for Local Government will determine the application for outline permission as if it has been made to him in the first instance.

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On-line: www.southdublin.ie

Tobin Consulting Engineers
Block 10 - 3
Blanchardstown Corporate Park
Dublin 15

NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000, &
PLANNING REGULATIONS THEREUNDER

Decision Order Number: 0574	**Date of Decision:** 26-Mar-2008
Register Reference: SD07A/0409	**Date:** 31-Jan-2008

Applicant:	Roadstone Dublin Ltd.,
Development:	Continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25 hectares. The planning application will be accompanied by an Enviromental Impact Statement (EIS) in accordance with Schedule 5 of the Planning and Development Regulations 2001.
Location:	De Selby Quarry, Townlands Of Corbally And Lugmore, Tallaght, Co. Dublin
Floor Area:	
Time extension(s) up to and including:	
Additional Information Requested/Received:	12-Jun-2007, 24-Jul-2007 /22-Jun-2007, 31-Jan-2008
Clarification of Additional	12-Jun-2007, 24-Jul-2007 / 22-Jun-2007, 31-Jan-

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Information Requested/Received: 2008

DECISION TO: Pursuant to the Planning & Development Act 2000, it is hereby decided, for the reasons 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 decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2004-2010 and subject to the (30) condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. 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 planning permission, and as amended by Additional Information received on 31st January 2008, save as may be required by the conditions hereunder. The quarry shall be operated in such a manner so as to not give rise to a nuisance by virtue of emissions that are so prolonged, or of such frequency, as to be reasonably considered as being a justifiable cause for complaint.

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

2. The extraction of rock on the subject lands shall be limited to the area Proposed as Phase 1 of the revised scheme of development as detailed in the Additional Information

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received on 31st January 2008, and as delineated on Phase 1 Site Extraction Plan Drawing No. 3364-2009 Issue A dated January 2008. No extraction of rock shall be undertaken on any part of the application lands outside the area of phase one without the prior written consent of the Planning Authority, such consent to be subject to the conditions applicable pursuant to Section 261(8)(b) of the Planning and Development Act 2000, which can be applied without liability for compensation.

Reason: To enable the likely significant environmental effects of any future quarrying operations to be assessed in the light of circumstances then pertaining, including any relevant changes in environmental standards and technology, in the interest of amenity and the proper planning and sustainable development of the area.

3. Quarrying operations, other than blasting, shall only be carried out between 07.00 and 18.00 hours on Monday to Friday inclusive, and between 07.00 and 14.00 on Saturdays. No such activity shall take place outside these hours or on Sundays or public holidays.

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

4. a) Free-field noise levels attributable to the operation of the entire quarry complex, when measured at the nearest noise sensitive receptor, shall not exceed
   55 dB(A) (I hour LAeq) between 08.00 - 20.00 hours
   45 dB(A)(1 hour LAeq) between 20.00 – 08.00 hours
   95% of all noise measured shall comply with the specified limit values. No individual noise measurement should exceed the limit values by more than 2 dB(A).

   b) There shall be no audible tonal or impulsive noise at sensitive receptors between 18.00 – 08.00 hours due to activities carried out on the site.

   c) A quarterly survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emissions arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location at the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the Planning Authority for its written agreement within three months of the date of this decision. Surveys shall be carried out in accordance with the EPA's "Environmental Noise Survey – Guidance Document" (2003) or as may be

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amended from time to time. The results obtained from the assessment programme shall be submitted quarterly for the written agreement of the planning authority. The operator shall carry out any amendments to the programme required by the planning authority following this quarterly review.

Reason: In the interests of residential amenity, public health and the proper planning and sustainable development of the area.

5. a) Groundborne Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, as measured in any of the three mutually orthogonal directions about a fixed point at any sensitive receptor location for vibration with a frequency of less than 40 hertz.

b) Blasting shall not give rise to air overpressure values in excess of 125 d(B)(Lin)max peak with a 95% confidence limit at any sensitive receptor location. No individual air overpressure value shall exceed the limit value by more than five dB (Lin).

c) Blasting shall only be carried out between 09.00 and 18.00 hours on Monday to Friday inclusive. Blasting shall not take place outside these hours or on Sundays or public holidays.

d) Advance notification of each blasting operation shall be provided to all landowners and occupiers within 500 metres of the quarry, as delineated by the red coloured line indicated on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008 submitted as Additional Information on 31st January 2008.

e) A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted for the written agreement of the planning authority within three months of the date of this decision. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

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Reason: To ensure the protection of amenity and public health, in the interest of the proper planning and the sustainable development of the area.

6. a) Total dust deposition (soluble and insoluble) measured at the site boundary shall not exceed 350mg/m2/day (when averaged over a 30 day period). The Bergerhoff Method (German Standard VDI 2119, 1972) shall be used to measure dust deposition. Continuous monitoring of dust deposition shall be carried out. Any emission which does not comply with the above standards shall be notified to the Planning Authority immediately.

   b) Within three months of the date of this decision details of satisfactory arrangements for the suppression and control of dust arising from the open working, processing and the handling and transportation of mineral and / or product, and stripping of overburden, shall be submitted for the written agreement of the Planning Authority. The location of sensitive receptors and prevailing wind directions shall be taken into account when locating haul roads, tips, stockpiles and processing plant. The area of excavated land not covered by vegetation shall be kept to a minimum. The stripping of overburden shall be carried out only during favourable weather conditions. The deposition of dust on surrounding lands in excess of allowed limits, or spillage on to public roads shall be prevented at all times.

   c) A monthly survey and monitoring programme of dust shall be undertaken by a suitably qualified person having appropriate experience to provide for compliance with the above limits. Details of this programme, including the location of dust monitoring stations, shall be submitted for the written agreement of the planning authority within three months of the date of this decision. This programme shall include an annual review of all dust monitoring data, to be prepared by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

   Reason: To ensure the protection of amenity and public health, in the interest of the proper planning and sustainable development of the area.

7. All recorded data from monitoring of noise emissions, blasting, and dust deposition, shall be submitted to the Planning Authority in a suitably formatted and readable form on a

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quarterly basis, within ten working days of the end of each quarter, beginning on the first day of February and following on the first day of May, August, and November each year. Monitoring data must also be submitted on request outside these times. Where any data is missing this fact must be recorded and a reason given for its omission. All noise, dust and vibration monitoring shall be carried out by a suitably qualified person having appropriate experience at the locations agreed by the Planning Authority. All emissions which do not comply with the above standards must be notified to the Planning Authority immediately.

Reason: To ensure the protection of residential amenity and public health, in the interest of the proper planning and sustainable development of the area.

8.

a) The names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the operation of the quarry shall be provided to South Dublin County Council. All changes in personnel or particulars must also be notified to the Council as soon as they occur.

b) The operator shall provide all landowners and occupiers within 500 metres of the quarry, as delineated by the red coloured line indicated on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008 submitted as Additional Information on 31st January 2008, 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 fly-rock on lands outside the quarry, or otherwise to make a complaint in respect of an aspect of the quarry operation.

c) A public notice shall be erected and maintained at the entrance to the quarry. This notice shall contain the name of the operating company and contact details, including out of hours contact, which may be used in the event that any person wishes to contact the operator in respect of any aspect of the quarry operation.

Reason: In the interests of amenity, public health, and the proper planning and sustainable development of the area.

9. 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

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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 decision. Authorised officers shall check in with the Quarry Manager or his/her representative prior to such inspections.

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

10. Five years from the date of this decision and at five-yearly intervals thereafter the quarry operator shall submit to the Planning Authority an updated Digital Terrain Model of the entire lands within the site boundary as shown on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008. The Digital Terrain Model shall be prepared by a suitably qualified person having appropriate experience, and shall include details of all areas i) that have been excavated to date, ii) that have been prepared for excavation, and iii) that may have been rehabilitated.

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

11. 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 names shall be submitted to the Planning Authority for prior approval. The environmental audit to be submitted 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 breaches over the previous year of dust, noise, vibration / air overpressure, and water quality standards.
    d) A written record of all 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 interests of amenity, pollution control, public health and the proper planning and sustainable development of the area.

12. Notwithstanding the current environmental standards for noise, vibration, and dust, contained in the Environmental Protection Agency document "Environmental

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Management in the Extractive Industry (Non-Scheduled Minerals)", should these standards be revised in the future or should new standards be introduced, either by legislation, or in the form of guidance from the Environmental Protection Agency or it's successor, these quarry operations shall be carried out in compliance with the revised standards.

Reason: In the interests of amenity, pollution control, public health, and the proper planning and sustainable development of the area.

13. All external lighting provided on the quarry site shall be designed, installed and operated, so as to prevent nuisance to neighbouring occupiers and road users, and to avoid over-lighting, and lighting units shall be of a type that deflects light downwards from the horizontal.

    Reason: In the interests of amenity, traffic and public safety, and the proper planning and sustainable development of the area.

14. Metal advance warning signs shall be erected and maintained in good and clean condition at the site entrance / exit. The material, content, design and location of these signs shall be agreed with the Planning Authority.

    Reason: In the interests of traffic safety.

15. 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. The quarry operator shall be responsible for maintaining the public roadways in the vicinity of the site entrances / exits in a clean state, free from mud and other debris caused by the haulage of such material.

    Reason: In the interests of traffic safety and amenity.

16. (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) 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.

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(c) All heavy goods vehicles exiting the site shall use the wheel washing facility, and shall travel only on the paved surface to the exit.

Reason: In order to prevent dust emissions in the interests of amenity, traffic safety, and the proper planning and sustainable development of the area.

17. All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected 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, nor 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.

18. 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 discharged 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 groundwater, and surface water from impermeable surfaces (roads, roofs etc), to existing drains or watercourses, then the discharge shall be limited to 6 litres per second per hectare of impermeable surface to reduce the risk of downstream flooding. This shall be achieved by constructing attenuation storage, preferably a pond, and restricting the outflow discharge by means of a 'Hydrobrake' or equivalent device. Details of the design shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision.

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

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19. 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 and wells 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.

20. a) All surface water from the plant area, quarry floor and internal haul roads shall be directed to sumps and discharged from there to settling lagoons.

    b) The settling lagoons shall be of an adequate size and properly maintained to ensure the efficient removal of suspended solids.

    c) Site roads and approaches to river crossings shall be regularly brushed or scraped and kept free from dust and mud deposits.

    d) Details of surface water run-off collection/disposal from the site access road (incl. culverting of roadside stream at site entrance) to be submitted for approval prior to construction of the access road.

    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.

21. a) A groundwater level monitoring programme shall be implemented at the quarry. Groundwater levels shall be recorded at monthly intervals, and reported to the Planning Authority on a quarterly basis. The location and number of monitoring points to be agreed with the Planning Authority.

    b) Within six months of the date of this decision a hydrological / hydro-geological report in respect of the quarry lands, prepared by a suitably qualified person having appropriate experience, shall be submitted to the Planning Authority. The report shall detail all measures proposed to be taken to protect groundwater resources, and in particular any spring-fed or other wells in the vicinity of the quarry lands. The report shall have regard

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to all relevant requirements arising under the Water Framework Directive.

c) In the event of quarrying activities having an adverse impact on private wells in the vicinity, the quarry operator shall undertake appropriate remedial measures as agreed with the Planning Authority, at his own expense. In the event of any disruption of water supplies, the operator shall cease any operations causing such disruption until the water supply has been restored or replaced.

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

22. a) All over-ground oil or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume in excess of 110% of the capacity of the largest tank.

b) Bunds shall be tested at intervals of not more than three years and documentation of tests shall be available for inspection by the Planning Authority.

c) All refueling shall take place on impermeable areas that drain through an interceptor from tanks that are bunded or double skinned.

d) All waste oil and chemicals shall be removed from the site and disposed of to the satisfaction of the Water Pollution Control Section of the Local Authority.

e) A spill kit shall be maintained on site with adequate supply of containment booms and absorbent materials to deal with any spillage.

f) The operator shall ensure that blasting practice minimises the risk of occurrence of nitrate/ammonia residues by proper blast design and implementation, appropriate disposal of any excess explosives, and selection of the appropriate type of explosives.

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.

23. Settlement ponds shall be regularly cleaned out by the operator as necessary for the efficient operation of the ponds in an environmentally acceptable manner. Appropriate measures shall be put in place to prevent silt leaving the site in any drain or watercourse

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during the cleaning process. Silt removed from the settlement ponds shall be periodically covered with topsoil and seeded with grass to prevent subsequent dispersal.

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

24. Within three months of the date of this decision the following details shall be submitted for the written agreement of the Planning Authority:
a) Details of the site investigation carried out by a suitably qualified person having appropriate experience to determine a suitable location for the proposed percolation area. Details shall include visual assessment of the site, trial hole and percolation test results. The trial hole(s) must be properly excavated, covered and made available for inspection.
b) Detailed site layout maps shall be submitted which clearly outline the following: location of current septic tank and percolation area on the site; location of proposed Septech system and percolation area; location of current well used on the site; locations of the water supply and foul drainage system serving the existing house on the quarry lands.

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

25. Detailed records of the types and quantities of all wastes generated by the development shall be maintained and made available for inspection by the Planning Authority upon request. Any treatment / disposal of waste shall be carried out in compliance with the Waste Management Acts 1996–2006, or as may be amended from time to time.

Reason: In the interests of public health, safety and the proper planning and sustainable development of the area.

26. Within three months of the date of this decision the applicant shall submit for the written agreement of the Planning Authority revised proposals, prepared by a suitably qualified person having appropriate experience, for the provision of extensive woodland/forestry planting to screen the proposed quarry excavation and a satisfactory time frame for the implementation of the scheme. This planting scheme shall be designed to provide a long-term screen for all future phases of quarrying operations at De Selby, particularly in respect of adjoining properties and from the surrounding area in general. The strip of planting along the western side of the proposed quarry extension shall have a minimum width of 30 metres (excluding the areas for proposed bench planting). The planting

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scheme shall be designed so as to ensure that trees planted close to adjoining farmland shall not cause excessive shading of those lands having regard to the northern orientation of the relevant lands. The agreed scheme shall be implemented to the satisfaction of the Planning Authority.

Reason: To ensure the satisfactory amelioration of the visual impact of the proposed development in the interests of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on visually prominent lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

27. a) Following the cessation of quarrying operations, all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation, and all rehabilitation works shall be completed within 36 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours of adjoining land.

b) Specifications and drawings indicating the proposed works to rehabilitate the site, detailing existing contours and the grading and levels of the final contours to which the rehabilitation shall be carried out, shall be submitted to the Planning Authority for agreement in writing prior to the commencement of such works.

c) The proposals shall be prepared by a suitably qualified person having appropriate experience in the remediation / rehabilitation of quarries, and shall be supported by detailed maps, section drawings, and appropriate graphic material.

d) The works shall not commence until such agreement has issued in writing and the agreed works shall be completed to the satisfaction of the Planning Authority.

e) Any change of use of the lands for non-agricultural purposes, including the deposit of building and construction waste, shall be subject to a separate grant of planning permission for such use.

f) The source of all material proposed to be used in respect of all rehabilitation works, together with full details of the type of material and the quantities involved, shall be

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submitted as part of the rehabilitation and landscaping proposals.

Reason: To ensure the satisfactory rehabilitation of the site in the interests of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

28. 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 be readily 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.

29. 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 €140,000 (one hundred and forty 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.

30. At all times during the stripping of topsoil on the site a suitably licensed archaeologist shall be present to monitor the work. In the event of any remains of archaeological or historic interest being discovered on the site, the Planning Authority shall be informed immediately. All works affecting these remains shall cease immediately and shall not re-commence until approval in writing has been received from the Planning Authority, following consultation with the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government or its successors.

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

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

27-Mar-2008

for **Senior Executive Officer**

PR/0574/08

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

Reg. Reference:	SD07A/0409	**Application Date:**	01-Jun-2007
Submission Type:	Additional Information	**Registration Date:**	31-Jan-2008

Correspondence Name and Address: Tobin Consulting Engineers Block 10 - 3, Blanchardstown Corporate Park, Dublin 15

Proposed Development: Continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25 hectares. The planning application will be accompanied by an Enviromental Impact Statement (EIS) in accordance with Schedule 5 of the Planning and Development Regulations 2001.

Location: De Selby Quarry, Townlands Of Corbally And Lugmore, Tallaght, Co. Dublin

Applicant Name: Roadstone Dublin Ltd.,

Application Type: Permission

Bond	140,000
Cash	140,000
FREE BOND	

26/3/08

(BM/JS)

Description of Site and Surroundings:

Site Area: The total site area is stated as 31.25 hectares.

Site Description:
The existing quarry is located within the townlands of Corbally and Lugmore, on elevated lands at Tallaght Hill, approximately four kilometres north of Brittas. It is accessed from Mount Seskin Road linking the N81 at Kiltalown, Tallaght to Brittas village. The existing quarry is enclosed on the East, South and West sides by steep vertical faces. Part of the southern boundary of the site adjoins the boundary of the Kilsaran Concrete quarry lands at Ballinascorney (Register Reference SDQU05A/6). The quarry is prominent in views from a wide area to the north of the site extending from the vicinity of Newcastle Village to Tallaght Town Centre.

There are several dwelling houses in the vicinity of the quarry and the adjoining lands are used for sheep and cattle grazing.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

Site Visit: Carried out on Tuesday 10th July 2007.

Proposal:

The applicant proposes the continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works on lands comprising an overall site area of 31.2 hectares, indicated by a red coloured boundary line on drawings submitted with the application. The proposed abstraction area comprises 19.4 hectares of these lands. The applicant's interest indicated by a blue coloured line on the submitted drawings is shown to include adjoining land to the south west which is not part of the current planning application.

Relevant Planning History

No planning permission exists for this quarry.

The De Selby Quarry was registered on 22nd April 2005 in accordance with the requirements of Section 261 (Register Ref. No. SDQU05A/3). Following assessment of the information submitted for registration purposes it was determined that the continued operation of the quarry was likely to result in significant effects on the environment. Following the publication of a public notice and subsequent consultation with the owner / operator as required under section 261, South Dublin County Council as Planning Authority served a statutory notice under Section 261(7) on 21st April 2006, requiring a planning application and EIS in respect of the continued operation of the quarry to be submitted not later than 20th October 2006, or such other period as may be agreed in writing with the Council. The Council subsequently agreed to extend the period for submission of a planning application and EIS up to and including 15th June 2007.

Relevant Enforcement History

There is no current enforcement action relating to this quarry site. The relevant Enforcement file (Enf. 1782) is now closed as any possible enforcement action under the Planning and Development Act 2000 is now statute barred.

Pre-Planning Consultation

A meeting to discuss the scoping of the EIS was held on 4th January 2007 in the Planning Department with consultants representing Roadstone Dublin Limited.

South Dublin County Development Plan 2004-2010

The area in which the site is located is zoned Objective 'H', "to protect and enhance the outstanding natural character of the Dublin Mountain Area", in the Development Plan 2004-2010. The land use activity 'Industry-Extractive' is 'open for consideration' in areas zoned Objective 'H'.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

Relevant Development Plan Policies and Objectives
The relevant Development Plan Policies and Objectives are:-
Policy EE17: Extractive Industry
12.3.4 Extractive Industry
9.3.1 Policy LHA 1: Preservation of Landscape Character
9.3.2 Policy LHA 2: Views and Prospects
9.5.1 Policy LHA 15: Dublin Mountain and High Amenity Zones
12.12.7 Upland Mountain Areas/High Amenity Areas
13.5.1 Landscape.

Policy EE17: Extractive Industry states:
'It is the policy of the Council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality'

Paragraph 2.3.17.ii states:
"The Council recognises the importance of the extractive industry in providing the aggregates and building materials required for all forms of construction, and will facilitate its operation in suitable locations, having taken into account the continued reduction in demand with the increased re-cycling of construction and demolition waste. However such industry can have severely damaging environmental effects and permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water will be safeguarded. In addition all development proposals must make appropriate provision for the reinstatement of the landscape. Details of proposed reinstatement should accompany planning applications for extractive developments."

The following Development Management Objectives apply to development proposals for Extractive Industry.

Paragraph 12.3.4.i: *"In dealing with applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network and its effect on the environment."*

Paragraph 12.3.4.ii: *"It will be a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape."*

Paragraph 12.3.4.iii: *"The Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, April 2004 published by the Department of the Environment, Heritage and Local Government, or as may be amended from time to time. Any*

restriction arising as a consequence of the application by the Council of the Guidelines shall not be prejudicial to the provision of rural housing to qualifying applicants nor to any activity."

Paragraph 9.3.iv notes that, *"the extensive rural areas of the County include the foothills of the Dublin Mountains. The mountains are a major amenity with great potential for both active and passive recreational use. In terms of Development Plan policy, the issues faced by rural areas relate primarily to balancing the need for local social and economic development with protecting the area against pressures for development generated by the proximity of the city, including extractive industry and landfill."*

Policy LHA 1: Preservation of Landscape Character states:
"It is the policy of the Council to protect the character of the landscape in the County in accordance with the policies and objectives of the Development Plan and with the "Draft Guidelines for Landscape and Landscape Assessment, 2000" as issued by the Department of the Environment and Local Government or any finalised Guidelines issued by the Department."

Policy LHA 2: Views and Prospects states:
"It is the policy of the Council to protect views and prospects of special amenity value or special interest.

The County contains many scenic areas and vantage points from which views of great natural beauty may be obtained, over adjoining counties and the rural landscape in general. In addition to scenic views, the County also contains important "prospects" i.e. prominent landscapes or areas of special amenity value or special interest, which are visible from the surrounding area. Views and prospects for protection have been identified in the Plan. Views and prospects are shown on the Development Plan Maps and prospects are listed in Chapter 13 - Specific Objectives."

Paragraph 13.5.1
Tallaght Hill is included in Table 13.9 in the Development Plan 2004-2010 as a prospect to be preserved. It is an objective of the Council to preserve this prospect as seen from viewing points at Blessington Road (Killinarden area), Naas Road, and Garter Lane Saggart.

Policy LHA 15: Dublin Mountain and High Amenity Zones states:
"It is the policy of the Council to conserve the character of the Dublin Mountain and High Amenity Zones.

In the implementation of this policy it is the intention of the Council to designate and conserve areas of outstanding natural beauty and/or recreational value. Such areas include the Dublin Mountains and the Liffey and Dodder Valleys, and are covered by the

zoning objectives 'G' - "To protect and improve High Amenity Areas" and 'H' - "To protect and enhance the outstanding natural character of the Dublin Mountain Area".

These areas play a crucial role in recreation and amenity terms, in addition to serving as valuable wildlife habitats.

Policy LHA 17: Preservation of Major Natural Amenities states:
"It is the policy of the Council to preserve the major natural amenities of the County (i.e. Dublin Mountains and River Valleys) and to provide parks and open spaces in association with them."

Consultations

Environmental Services Department –.
Additional information requested regarding foul drainage, surface water, and water supply to adjoining premises.

Roads Department –
The report recommends that additional information be requested as follows:
Revised site plan to show:

(i) Quarry site entrance off Mount Seskin Road relocated in order to provide for 4.5m x 90m vision splays in both directions.
(i) All stormwater plus quarry water run off disposed of to soakpits/natural watercourses within site such that none shall discharge onto public roadway.
(ii) Maximum gradient of 3% over last 10m of approach to public road.

Parks Department –
The report notes the following:

- It is unclear from the plans and sections submitted where proposed earthen berms to mitigate views onto the site from adjacent land are to be located.
- The location of the top bench along the south western section of the quarry close to the boundary line of the application site affords little in the way of mitigating landscape treatment of the quarry on outlying lands.
- Drawings submitted show a height difference of up to 50 metres between the top of the quarry face to the west and north in relation to those of the east and south respectively. The proposed landscape treatment especially along the more visually exposed eastern and southern quarry faces, is not satisfactory. The applicant should provide an appropriate bench design which will allow for the planting and proper establishment of suitable trees, under storey planting and climbers, along the surface and face of the benches. The applicant should provide larger scaled and dimensioned drawings indicating examples of proposed planting along individual benches.

- The bench heights on Dwg No. 3364-2024 vary from 20m to 30 metres in height and 6-8 metres in width. These dimensions may have to be revised in order to provide for the proper establishment of planting.
- The majority of proposed woodland planting is provided by tree and shrub species of whips size 60-90cm and feathered trees of 1500-175 cm in height. Provision should be made for the planting of standard and extra heavy standard sized trees within the woodland mix to give an immediate variation in height and age mix.
- Though the applicant has identified the duration of each planting phase (i.e. 2-3 weeks), there is little information given as to how long it is envisaged it will take, to excavate each bench. It is important to establish a time frame for the landscaping / mitigation proposals for each phase so as to build a picture of how the quarry faces will be screened / landscaped during the lifetime of the proposed excavation works.
- A breeding bird survey should be conducted during the optimum survey period (March–June) to fully ascertain the status of peregrine falcon and raven, and that of other birds likely to breed on rock faces, within the site.
- There are a number of mature Conifer and Broadleaved trees located within the application site, close to the existing dwelling located northwest of the existing quarry. These trees have not been identified within the documents submitted and therefore it is not possible to ascertain the possible effects of the proposed development work on the long term viability of these trees and others within the development site. Accordingly a tree/hedgerow survey should be carried out for the entire site.

Additional Information is requested in relation to the above.

Environmental Health Officer - EHO report dated 9th July 2007 states that the proposal is acceptable. Required environmental standards and monitoring arrangements are outlined in relation to noise, dust and vibration.

An Taisce: Submission states that the application should be assessed with regard to impact on the amenities of the area and the relevant provisions of the county development plan.

Eastern Regional Fisheries Board: None received

Submissions/Observations /Representations

Nine letters of objection have been received in relation to the proposed development. The principal issues raised in the submissions are as follows:

- Applicants have not been given consent to include lands not in their ownership in the application. Clarification should be sought regarding the ownership and rights on these lands, and the lands within the activity area of the quarry.

- Proposed expansion of the quarry so close to a number of existing private wells providing the only water supply to residences and farms on adjoining land would seriously affect the groundwater resources feeding these wells.
- Effect of blasting on neighbouring houses and land, request for independent monitoring of blasting.
- Hazard to safety of pedestrians and motorists due to HGV traffic on steep, narrow road on which there is a three tonne restriction. The N81 junction is very poor and there should be a fresh examination of present traffic.
- Danger to farm animals grazing close to edge of quarry.
- Capacity of existing surface water infrastructure to deal with instant run-off from underlying rock in thunderstorms when topsoil is removed.
- Pollution caused to residents and livestock by dust, noise, blasting and flyrock.
- Data contained in EIS is not a true account of operations as Environmental Health Officer has ordered complete works to cease on several occasions due to pollution being emitted.
- Quarry manager has failed to prevent pollution and has not fenced boundary securely to protect children and livestock.
- Scale of proposed development will have detrimental effect on visual amenities of the area, and the need for such a large quarry is questionable.
- Proximity to Liffey waterworks and the catchment area for the Poulaphoca reservoir would pose an unacceptable risk to the public water supply for Dublin.
- The application is in breach of Section 261 and is therefore invalid, and the registration of this quarry is inaccurate and also invalid, and these applications should be rejected.
- Permission should be refused to protect the landscape of this high amenity area.

A letter from Councillor John Hannon recommends that permission be refused for the proposed development.

Environmental Impact Assessment

Introduction

Section 1 of the EIS provides a general introduction including details of the operating company and its environmental policy; EIS procedure, structure, scoping, consultation, technical difficulties, study team and alternatives examined.

In relation to the consideration of alternatives the EIS states that the quarry is an established extraction site, and examination of greenfield alternatives for quarrying is not considered appropriate considering the presence of an existing facility at De Selby. The continuation of future quarrying operations within the De Selby quarry is considered to represent a viable option for sourcing aggregates, in terms of location, availability of sufficient reserves, existing markets, technical characteristics, and manageable environmental impacts.

Existing Site and Proposed Development

Section 2 of the EIS provides a description of the existing site and the proposed development, including details of the operation.

It is proposed to operate the quarry in a series of seven phases, as shown on Drawings Nos. 3364-2009 to 3364-2015 submitted with the application. Longitudinal and cross section drawings of each phase are also included. Phase 1 of the operation will involve the excavation of a greenfield area to the south of the existing quarry excavation. Subsequent phases will involve the progressive excavation of this greenfield area, together with an area to the west of the existing excavation, down to the level of the existing quarry floor. The site is proposed to be excavated from a maximum topography of 324 metres OD at the presently unexcavated area in the south eastern corner of the site down to the current lowest excavated area of the site at 236 metres OD. The maximum depth of the proposed excavation will therefore be approximately 90 metres.

The quarry is operated using mobile aggregate crushing and screening plant and equipment, which is located close to the working face of the quarry. Other equipment used on the quarry site includes an excavator, dump trucks, front end loader and a drilling rig. Permission is sought to continue these operations including landscape berms and internal access roads. No other processing activities are proposed to be carried out on the site.

Quarry activities will generally operate from 07.00 to 18.00 hours Monday to Friday, and from 07.00 to 18.00 hours on Saturdays. No quarrying will be carried out on Sundays or Bank Holidays unless warranted by exceptional circumstances agreed with the local authority. These working hours are similar to existing working hours.

Approximately 30 persons are involved both directly and indirectly in the operation of the quarry, including Roadstone personnel who are also engaged in the operation of other Roadstone quarries, and contractors providing specialist services such as drilling, transport, and materials supplies.

The application states that an Environmental Management System (EMS) is in operation at the quarry in accordance with guidance contained in the Environmental Code published in 2005 by the Irish Concrete Federation, of which Roadstone Dublin Limited is a member. The environmental impacts identified in the code include noise, ground vibration, dust and air quality, water management, fuel/chemical storage, waste management, good housekeeping, visual impact, transport, after-use, ecology, archaeology, energy and public safety. The application states that the operation of an EMS at the quarry, along with Roadstone's membership of the ICF and its commitment to the environmental code, ensures the quarry operates to a high environmental standard.

Planning and Development Context

Section 3 of the EIS outlines the planning and development context including the planning history of the existing quarry, and national, regional and local planning and development context.

The EIS states that the existing quarry commenced operation before 1st October 1964, and has been in operation since approximately 1910-1920. It states that the quarry has been operated by Roadstone since 1955. It also states that De Selby Quarry is an established location with a valuable rock reserve. The stone deposit being extracted is a high quality resource, and the extracted materials are supplied to site development and infrastructure projects in the Greater Dublin Area, including the LUAS scheme.

It states that the quarry was registered with South Dublin County Council on 22nd April 2005 in accordance with Section 261 of the Planning and Development Act 2000, and that the Council subsequently decided to request a planning application and EIS to be submitted for the registered quarry, and furthermore that it was agreed with the Council that a planning application and EIS will be submitted to the Council on or before 15th June 2007.

Human Beings / Socio Economic

Section 4 of the EIS relates to Human Beings / Socio Economic context of the proposed development, including population, employment, tourism and amenities, and material assets.

The study states that quarrying activity commenced at De Selby quarry in 1913 and has been operated by Roadstone since 1955. The quarry is located in a sparsely populated upland location and is surrounded by agricultural land characterised as upland farmland. There are a number of domestic dwellings in the area surrounding the quarry, the nearest being three houses located east of the quarry, a house at the quarry entrance (owned by Roadstone), and a number of houses and farms located to the southwest near the boundary of the quarry. The quarry provides direct and indirect employment for 30 persons. There are a number of golf courses in the area including Hazel Grove golf course located I kilometre east of the quarry. Council objectives regarding forestry, tourism and amenities, views and prospects, land use zoning, transportation, and extractive industry are outlined.

The study concludes that as the quarry is established and operational the effects on the population will remain the same, and it will have little impact on the value of property in the area. The Environmental Management System in operation at the quarry in addition to the mitigation measures proposed in the EIS will ensure that the impacts on the surrounding population from the quarry are minimal.

Flora and Fauna

Section 5 of the EIS relates to an assessment of impacts on Flora & Fauna. It states that the assessment was carried out in accordance with EPA guidelines based on desk top study and field surveys. All sites designated for nature conservation located within 5 kilometres of the quarry were identified (shown on figure 5.1A). There are no designated sites within the quarry lands.

Consultation advice from the DoEHLG identified Peregrine Falcon, Raven, Wheatear, Pine Marten, Irish Hare, and Mountain Pansy, as species whose conservation status should be maintained in the area of the quarry. The Eastern Regional Fisheries Board advised that the quarry lies within the catchment of the Camac a salmonid river, although no fish are recorded in the vicinity of the quarry only clean, uncontaminated water should leave the site, and comprehensive surface water management measures should be incorporated at all stages of the development.

Potential impacts on flora and fauna identified in the EIS include the following;
There will be no direct impacts on any sites designated for nature conservation. Existing nesting sites for Peregrine Falcon and Ravens within the quarry may be removed by quarrying, and activities could lead to potential disturbance of nesting birds. Mitigation measures will ensure that areas of suitable nesting ledges are maintained within the quarry. The EIS recommends that a breeding bird survey be carried out during the optimum survey period (March to June) to fully ascertain the status of falcons and ravens, and other bird species likely to breed on rock faces.

No rare or protected plant species were recorded on the site, and it is considered that there will be no impact on such species. However as site visits were undertaken outside the optimum period for botanical surveys the study recommends that a survey be undertaken to determine whether any rare or protected flora is present.

Soils / Geology and Hydrology

Section 6 of the EIS relates to Soils / Geology and Hydrology, and provides a description of the existing geological character of the site.

Due to the nature of quarrying operations the bedrock geological environment will be impacted by the development. This will be phased with the gradual development of working towards the south and west of the site. At the floor level of each phase a minimum 5 metre wide bench will be retained before commencement of the next quarry face.

Prior to commencement of excavation operations within the future extraction area the topsoil and overburden will be stripped from the underlying subsoil geology. This material is used around the site to create earthen berms to mitigate views onto the site from adjacent land. No stripped

material will be exported off-site. Any soil not used in the construction of berms or embankments will be stored within the property boundary for final site restoration.

It is not intended to intersect the water table during extraction, and it is intended to exploit the resource to a floor level of 236 metres OD. The extraction footprint has been designed to ensure that quarrying during the its lifetime does not adversely affect the environment or adjoining existing land uses.

Water

Section 7 of the EIS relates to the potential impact of the proposed development on the water environment. This states that the study was prepared in accordance with EPA guidelines following a desk study, research at the GSI and on-site investigations.

At the time of inspection by the consulting engineers in March 2007 the quarry floor within the active quarry area was observed to be dry. The EIS states that surface water runoff in the greenfield area (unexcavated area) within the quarry flows towards a stream to the west of the quarry, which according to the Ordnance Survey map drains via a culvert in the Jobstown area, into the River Dodder approximately 5 kilometres north east of the quarry site. The EIS notes that the Eastern Regional Fisheries Board advised that the quarry lies within the catchment area of the Camac River, but this is not evident on the OS map.

The EIS study identifies the nearest well to the quarry site shown on the GSI Well Database as being approximately 1.5 kilometres to the northwest of the site at Boherboy. From an examination of two boreholes on the quarry site it concludes that the water table will remain below the final floor level of the quarry and as such any existing groundwater abstraction boreholes in the area should not be affected by the quarry as no dewatering will take place.

One surface water feature flowing from the subject site is identified (the stream to the west), however, it is considered that it will be possible to proceed with the quarry development without diverting or culverting this feature as it begins on the boundary of the extraction area.

Air and Climate

Section 8 of the EIS relates to the assessment of the potential impacts of the proposed development on air quality and climate.

Section 8.3 of the EIS states that potential sources of dust include mechanical activities such as screening of extracted materials, un-vegetated stockpiles of quarried material; exposed soil surfaces prior to the extraction of rock material; and HGVs carrying dust on their wheels. It also notes that the deposition of dust and mud on the local roads is both unsightly and dangerous, and that dust may be a particular problem during periods of dry windy weather.

The EIS states that existing dust levels measured according to the TA Luft / VDI 2119 / Bergerhoff Method in the period 2004 to 2006 are below the recommended threshold limit of 350mg/m2/day, as shown in Table 8.1, and it is anticipated that with the continued implementation of the appropriate mitigation measures dust emissions will be within these limits.

It is noted that Table 8.1 indicates that dust monitoring was carried out as follows: in the period 2004-2005 (station D1 only), in 2006 (stations D1 & D2), and in 2007 (stations D1, D3 & D4). Figure 7.2A shows the locations of the monitoring stations to be as follows: D1 at a residence to the northwest of the existing quarry excavation which is in the ownership of the quarry operator; D2 located within the quarry on the east side of the existing excavation; D3 located on the west side of the quarry adjacent to neighbouring residences; D4 located at the south east extremity of the quarry lands.

Proposed mitigation measures as recommended in the DoEHLG (2004) guidelines include: vegetating screening berms to eliminate wind blown dust; using water sprays to suppress dust at the quarry face and on internal haul roads; locating mobile quarry plant on the quarry floor; minimising drop heights of material from plant and machinery; regular cleaning of entrance area, if necessary.

The EIS concludes that there will be no significant impact on the global or local climate due to the operation of the quarry.

Noise and Vibration

Section 9 of the EIS relates to an assessment of the potential impacts of the proposed development in relation to Noise and Vibration.

The EIS states that the main sources of noise from the quarry operation are from drilling, blasting, rock breaking, crushing, screening and movement of vehicles on-site. The impacts of the existing and future development consist of

- site preparation, consisting mainly of topsoil and overburden removal and the construction of acoustic berms;
- the operation of the quarry development;
- road traffic movement to and from the site.

The application states that an environmental noise and assessment survey of the existing quarry operations was carried out by consultants on behalf of the applicant on 16 February 2007. The purpose of the study is to establish the existing noise levels generated by the operations at the quarry, project and assess future noise levels generated by the continuation of quarrying activity, and specify appropriate ameliorative measures where deemed necessary.

Noise measurements were taken at one location within the quarry, and at four noise sensitive locations in the vicinity of the quarry. The applicant concludes that the monitoring results comply with the recommended limit of 55 dB(A) over a 30 minute period.

The application states that for the continued operation of the quarry daytime noise levels will be kept below L_{eq} one hour value of 55 dB(A).

The EIS states that the main activity associated with any future site preparation will be the removal of overburden and topsoil and the construction of acoustic berms. In this regard the EIS predicts that such works will result in maximum hourly Leq values of less than 62dB(A) at the nearest residence west of the site. These values will pertain for no longer than 15 days equivalent at this nearest residence when the berm is being constructed. For most of the soil stripping the hourly Leq values will be less than 50dB(A) at all residences.

The EIS states that the maximum noise emissions from the quarry will occur when future extraction is being carried out at the higher elevations in the western part of the site. The maximum noise level from this activity is predicted to be no more than 51 dB(A) at the nearest residence (all major noise sources will remain on the quarry floor) while an acoustic berm will ameliorate any drilling activity carried out on the highest benches.

The EIS states that the principal road traffic noise will be that associated with materials deliveries and work force movements to and from the site. The traffic distribution will remain the same into the future and there will be no increase in traffic flow from the continuation of the operations. Accordingly there should be no increase in noise levels from the quarry operations.

Proposed noise mitigation measures include the following:

- Acoustic berms will be constructed along the west and south east of the proposed extraction area;
- All plant including mobile crushing and screening plant will be moved as close as possible to the working face of the quarry so that the optimum noise attenuation is attained during the life cycle of the operation;
- All mobile plant will be maintained to a high standard to reduce any tonal or impulsive sounds;
- Mobile equipment will be throttled down or switched off when not in use.

The EIS concludes that the noise emission from the quarry extraction operation is well within the standard daytime limits and is barely audible at most of the nearby residences. It predicts that the continuation of quarrying activities will be well within the standard daytime limits. The impacts from the present quarry operation is no more than one of negligible to marginal significance at the houses east of the site, while any future operations are predicted to be of no more than marginal significance. The removal of topsoil and overburden is a short term activity and an acoustic berm will be constructed which will ameliorate this activity.

Blasting Vibration

Section 9.7 of the EIS outlines the general characteristics of blasting techniques in relation to controlling ground vibration and air overpressure; the relevant environmental standards to be applied, the results of monitoring carried out to date; and the mitigation measures to be undertaken at the quarry.

The current operation extracts rock from benches 18–20 metres in height. Sequential detonation is used to achieve increased rock fragmentation and reduce ground vibration. Ground vibration and air overpressure are recorded simultaneously at the most sensitive location for each blast. It is envisaged that blasting will be carried out once per month on average. Care is taken to avoid blasting in the early morning or late afternoon. Notice of all blasts will be given to residences within 500 metres of the site boundary, and blasting will follow a signal by siren.

The vibration limits for both existing and future blasting are those given in the EPA Guidance notes. This is 12m/sec peak particle velocity measured in any three orthogonal directions at any residence when blasting occurs at a frequency of once per week or less.

The quarry operates to an air overpressure limit of 125 dB (Lin peak) (with a 95% confidence level) as recommended in EPA guidance.

The proposed mitigation measures relate mainly to the careful design of blasting operations to ensure that environmental impacts remain within the recommended environmental standard limits, the timing of blasts and notification to residents, and monitoring of all blasts. Additional relevant monitoring will be carried out as the quarry is developed in a southerly and westerly direction.

Traffic

Section 10 of the EIS relates to the potential impact of the proposed development on the existing road network in the area, and on the operational capacity of the two key junctions, at the site access and at the priority junction between the Mount Seskin Road and the N81, including the effects on road safety.

The study concludes that the site access junction will operate within capacity up to and including the design year 2022. However visibility at the access is restricted below the required visibility splays and the site junction should be relocated along Mount Seskin Road where the required visibility splays are achievable.

The N81 / Mount Seskin Road junction is currently operating above capacity. However, due to the planned Tallaght Bypass extension, the restrictive geometries at the junction, and the

negligible impact on the junction by quarry-generated traffic, it is not considered appropriate to provide mitigation measures at this junction as part of this planning application. Road markings are recommended to be provided at the site access junction and the N81 junction.

Landscape & Visual Impact

Section 11 of the EIS relates to an assessment of the potential impact of the proposed development on landscape and views.

The EIS states that the landscape study uses the EPA 'Guidelines on the information to be contained in environmental impact statements' (2002), as the basis for the landscape and visual impact assessment of the proposed development. These guidelines define 'Landscape' as covering a range of environmental topics including Landscape Character, Landscape Context, Views & Prospects, Historical Landscapes, and Manmade Landscapes.

Section 11.1 outlines the terminology used in the description and analysis of landscape and visual impacts of the proposed development.

Landscape impact assessment is a combination of two separate but closely related aspects. 'Visual Impact' is the extent to which new development can be seen. 'Impacts on the Character of the Landscape' relate to the responses that are felt towards the combined effects of the new development.

Section 11.2 describes the existing landscape environment of the proposed development site, including the landscape context; the quarry lands, the visibility of the quarry in views from properties, residential areas and roads in the local and wider area; the vulnerability / sensitivity of existing views; and the significance of the proposed development in terms of the level of intrusion upon designated views, landscapes and amenity areas.

The Principal Visual Zone of the proposed development is illustrated on Figure 11.1. This is identified as a segment of the area within a radius of 3 kilometres distance north of the quarry site, extending from Jobstown in the east to Saggart in the west. Sections of both local and major roads to the west and north of the site from which the quarry lands are visible are also indicated on Figure 11.1.

Views from various points within the area of visibility indicated in Figure 11.1 are illustrated in photoplates 11.1 to 11.10. These outline the extent of the proposed further excavations combined with the existing excavations, by means of red lines superimposed on the photographed views.

Section 11.3 details the potential visual and landscape impacts of the proposed development, including the scope of the impact, the impact on landscape character, and existing and predicted visual impacts.

Section 11.4 details the mitigation measures and landscape objectives considered as part of the further development of the quarry site. Proposed mitigation measures are illustrated in Figure 2.16. These include screen planting of suitable tree species along the western and southern boundaries of the site, and to the north west of the existing excavation. Measures are also indicated to vegetate the upper portions of rock face on the upper bench to assist in the integration of the exposed quarry face with the surrounding landscape.

The study concludes that the greatest levels of visual impact arising from the existing quarry and further excavations will be on views from roads and properties within a distance of 1 kilometre to the west, and within an area extending from Jobstown in the east to Greenogue Industrial Estate in the west, and northwards to Citywest. The visual impact on these views is considered likely to range from slight to moderate to significant.

In relation to properties within 1 kilometre to the west of the existing quarry and intermittent views from two roads to the west of the quarry, the current moderate visual impact will change to significant, as the excavations move south up the hill and a larger quarry face becomes visible, and when eventually the entire hill is removed. On completion of quarry works and implementation of the restoration plan the visual impact will reduce over time, and the proposed tree planting on the western boundary of the quarry site and planting on the quarry benches will help to screen the final quarry face.

In relation to residential areas to the north of the site which currently experience visual impact the impact will be moderate or significant depending on how much of the quarry face is exposed in the angle of view. The proposed tree planting to the north of the quarry and on the quarry benches will reduce this impact somewhat.

The visual impact on roads from which there are open views of the existing quarry will change from moderate to significant, depending on the angle of view towards the western quarry face and the distance from the quarry site. The implementation of the restoration plan and the proposed tree planting on the western boundary and on the quarry benches will reduce this impact somewhat.

In relation to the N82, R120 and other roads to the northwest of the quarry site from which the existing quarry face is more openly visible and the new western orientated face will be more visible, the visual impact will continue to be moderate on implementation of the restoration plan and the proposed tree planting on the western boundary and on the quarry benches.

Views from the N7 protected in the Development Plan are available only from the Rathcoole and Citywest overpasses and from a short stretch of the road between these overpasses. These views are of considerable distance and the potential for visibility would be low to moderate.

Proposed mitigation measures include the following:

- Retention and protection of any planting located outside the working area within the site boundary;
- Planting of native woodland species suited to the site conditions along all of the southern boundary, most of the western boundary and to the north of the entrance area;
- Progressive incidental woodland planting on the quarry benches as the benches become available, so that planting on the upper benches will start to mature and will screen part of the quarry faces while the excavation works are still on-going;
- On completion of excavations the quarry floor will be returned to agriculture by the distribution of subsoil and topsoil on the floor followed by seeding with suitable agricultural seeds.

On completion of all mitigation measures some of the excavation area will still be visible from some areas to the north and west of the site. The visual impact caused will reduce to moderate as the quarry is re-vegetated upon cessation of works at the quarry.

Cultural and Archaeological Heritage

Section 12 relates to the assessment of potential impacts on the cultural heritage of the existing quarry site using the methodology in the EPA guidelines (2002 and 2003), and relevant records were examined.

No direct or indirect impacts on known archaeological sites or monuments or structures of heritage significance were identified in the study.

Due to the possibility of the survival of sub-surface deposits or finds within the development area, the study recommends that topsoil stripping within the area be archaeologically monitored.

Interactions

Section 13 of the EIS relates to the interactions of the potential environmental impacts identified in the previous topic sections. The section summarises the main conclusions of the foregoing topic sections, and concludes that while there is potential for the identified impacts to interact and result in cumulative impact, it is unlikely that any of these cumulative impacts will result in significant environmental degradation.

Environmental Impact Statement

The requirements relating to Environmental Impact Assessment are set out under Part X (sections 172 – 177 inclusive) of the Planning and Development Act 2000 and Part 10 (articles 92 – 132 inclusive) of the Planning and Development Regulations 2001.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

Adequacy of EIS
Under Article 108 a planning authority shall consider whether an EIS submitted in respect of a planning application complies with article 94 or, where the authority has given a written opinion under article 95(4), it shall consider whether the EIS complies with the said opinion.

Where a planning authority decides that an EIS does not comply with article 94, or any relevant written opinion given by the authority under article 95(4), as appropriate, the authority shall, in accordance with article 33, require the applicant to submit such further information as may be necessary to comply with article 94 or 95(4), as appropriate.

Content of EIS
The mandatory requirements as set out in article 94 of the Planning and Development Regulations 2001 are as follows:

1. The EIS shall contain the following:
The information specified in paragraph 1 of Schedule 6 as follows:
(a) Descriptions of the proposed development comprising information on the site, design and size of the proposed development.
(b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
(c) The data required identifying and assessing the main effects, which the proposed development is likely to have on the environment.
(d) An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking in to account the effects on the environment.

Does the EIS contain the above?

(a) The EIS contains an adequate description of the site and size of the proposal in Sections 1, 2 & 3 of the Statement.

(b) The EIS contains a wide variety of measures to avoid, reduce and if possible remedy significant adverse effects as detailed in the various topic sections of the report.

(c) The sources and data collection used in investigating the impacts on differing environments and mitigation measures proposed are considered to be comprehensive and satisfactory,.

(d) The consideration of alternatives is limited to the option of extracting aggregates at greenfield locations as an alternative to continued extraction of aggregates at De Selby Quarry. Alternative options for continued extraction at De Selby are not outlined.

2. The EIS shall contain the following information as specified in paragraph 2 of Schedule 6 of the regulations to the extent that –

Such information is relevant to a given stage of the consent procedure and to the specific characteristics of the development or type of development concerned and of the environmental features likely to be affected, and

(ii) the person or persons preparing the EIS may reasonably be required to compile such information having regard, among other things, to current knowledge and methods of assessment,

(a) (i) a description of the physical characteristics of the proposed development and the land-use requirements during the construction and operational phases;
(ii) A description of the main characteristics of the production processes;
(iii) An estimate of expected residues and emissions;

(b) a description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:
- Human beings, fauna and flora,
- Soil, water, air, climatic factors and the landscape,
- Material assets, including the architectural/archaeological/cultural heritage,
- The inter-relationship between the above factors;

(c) A description of the likely significant effects on the environment resulting from:
- the existence of the proposed development,
- the use of natural resources,
- the emission of pollutants, the creation of nuisances and elimination of waste,
and a description of the forecasting methods used to assess the effects on the environment;

(d) An indication of difficulties encountered in compiling the required information.

Does the EIS contain the above?

It is considered that the environmental impacts have been adequately addressed in a sufficient level of detail, except as detailed in the additional information to be requested.

3. The EIS shall contain a summary in non-technical language of the information required under 1 and 2 above.

The applicants have submitted a non-technical summary report in addition to the EIS itself. This is considered not to be satisfactory. A revised summary report is required to address deficiencies as detailed below.

Assessment of Proposed Development

The proposal provides for a phased development of the existing quarry involving a substantial extension of the quarry footprint. No details have been provided of the current volumetric rate of

extraction. Furthermore no details have been given as to the expected time periods for the individual phases of extraction, or the likely lifetime of the quarry development.

Based on the information provided it appears likely that the quarry will be worked over many decades. Furthermore it appears likely that individual phases of the proposed extraction will extend over a significant time period, and that the initial and continuing visual impact of the quarry workings as described in the EIS will be apparent over many years. In this regard it is considered that the details submitted are insufficient to enable the likely ameliorating effects of the proposed mitigation measures to be fully assessed. Additional information is therefore required in this regard as detailed below.

The EIS submitted with the planning application does not show what alternative options, if any, have been considered in relation to the design and phasing of the proposed quarry excavation on lands outside the existing quarry footprint. It is considered that the EIS should clearly demonstrate how the proposed quarry layout and phasing could be considered to constitute the most appropriate option having regard to the likely significant environmental effects of the alternatives considered. In this regard it is considered that an alternative option that would substantially reduce the extent of the proposed quarry footprint in the early phases, and provide for a progressive extension of the quarry footprint over the lifetime of the quarry, would be more appropriate, having regard to the scale of the proposed development and to the long future time period over which the quarry will operate. Such an option would reduce the extent of the exposed quarry face in the initial phases and allow for mitigation measures, such as vegetating of visually prominent faces and tree screen planting, to become effective prior to further extension of the quarry footprint. Additional information is required to enable the proposal to be assessed in this regard.

It is noted that section 261(7)(*c*) of the Planning and Development Act 2000 provides that a planning authority, or the Board on appeal, shall, in considering an application for planning permission made pursuant to a requirement under *section 261(7)(a)*, have regard to the existing use of the land as a quarry.

With regard to the objection raised to the inclusion of adjoining land in another ownership within the blue line on drawings submitted (i.e. showing the extent of the applicant's interest), it is noted that this issue was previously raised in relation to the registration of the quarry under Section 261 of the Planning & Development Act 2000, and was deemed to be a matter of title dispute in which the Council has no role. It is noted that the planning application under consideration does not propose any development on the relevant adjoining land. Furthermore, Section 34(13) of the Planning and Development Act 2000 provides that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Conclusion

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

It is considered that the information submitted with this application is not sufficient to enable the impact of the proposed development on surrounding sensitive locations / environment with regard to water supplies and ground water, traffic impact, visual impact, rehabilitation, landscaping, possible chemical / fuel storage and staff facilities, to be assessed. The applicant should be requested to address these matters by way of a request for further information as follows;

1. Applicant to submit details to show what alternative options have been considered in relation to the design and phasing of the proposed quarry excavation on lands outside the existing quarry footprint. The details submitted should clearly demonstrate how the proposed quarry layout and phasing could be considered to constitute the most appropriate option having regard to the likely significant environmental effects as detailed in the EIS. In this regard the applicant is advised that an alternative option that would substantially reduce the extent of the proposed quarry footprint in the early phases, and provide for a progressive extension of the quarry footprint over the lifetime of the quarry, is considered likely to be more acceptable to the Planning Authority. Such an option would reduce the extent of the exposed quarry face in the initial phases and allow for mitigation measures, such as vegetating of visually prominent faces and tree screen planting, to become effective prior to further extension of the quarry footprint. Details to be submitted should clearly outline the environmental impacts and proposed mitigation measures relating to the alternative options, and should indicate the expected time scale of individual phases, and the overall expected working life of the continued extraction operations.

1. A Digital Terrain Model to be submitted of the entire lands in which the applicant has an interest.
2. The applicant to submit detailed tree/ hedgerow survey of the entire development site. These details to be accompanied by an Arboricultural Impact Assessment and an Arboricultural Method Statement, and include details in relation to tree protective measures. The above details to be compiled by a qualified Arborist and be in compliance with British Standard 5837- 2005 Trees in relation to construction.
3. The applicant to submit a revised Landscape Master Plan/ Restoration Plan clearly indicating and providing for the following;

   a. Continual tree/shrub planting along benches, particularly along the west and north facing benches. Plans, sections and elevations to be provided at an appropriate scale.

   b. Revised design and construction details of proposed benches. These drawing to clearly indicate the height and width of benches and landscape proposals. These details should include for drainage if necessary along the benches.

   c. A time scale for proposed landscape treatment. These details to include photomontage views of quarry, at the completion of each proposed phase, from the adjoining local roads

and from various locations within the surrounding hinterland of Tallaght , Citywest, Killinarden, Jobstown and Greenogue Industrial Estate.

d. Revised planting plan to provide for a mix of standard and extra heavy standard planting of both broadleaved and conifer species within the proposed woodland mix. These details to include native plant species, where possible of local provenance.

e. Provide for greater set back and increased area of screen planting along the south western boundary of the quarry / development site.

f. Detailed plans, sections and elevations of the proposed earthen berms (as referred to in the Environmental Impact Statement). Details to be provided clearly indicating the type of landscape treatment proposed. These details to include information on the type, size and location of proposed planting.

4. Figure 7.2A of the EIS submitted with the application shows noise monitoring points N1 to N4. These do not correspond with the noise sensitive locations listed in Table 9-1 of the EIS. Clarification is required in this regard. The location of the noise sensitive receptors located closest to the quarry site boundaries should also be shown on the map.

5. A revised site plan to be submitted to show:
(i) Quarry site entrance off Mount Seskin Road relocated in order to provide for 4.5m x 90m vision splays in both directions.
(ii) All stormwater plus quarry water run off disposed of to soak pits/natural watercourses within site such that none shall discharge onto public roadway.
(iii) Maximum gradient of 3% over last 10m of approach to public road.

6. Foul Drainage:
(i) Applicant to submit foul drainage plans showing location of all drains, manholes, AJs located within site boundary up to and including point of connection to the proposed method of disposal. All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from http://environment.southdublin.ie

7. Surface Water:
(i) Applicant to submit surface water drainage plans showing proposed finished ground levels including manhole cover levels, clearly indicating how it is proposed to prevent discharge of contaminated surface water runoff from the site, including runoff from the main access road into the unnamed stream to the west of the quarry. Applicant shall show the exact location of the unnamed stream on the surface water drainage plan.
(ii) Applicant to submit discharge calculations of storm water storage volumes for the proposed lagoon based on extreme storm events of various frequencies up to 100 year return period.

(iii) Applicant to submit detailed layout plans and cross sections for the proposed lagoon showing locations of inlet/outlet pipes, pipe invert levels, and water levels. This shall include overflow facilities.
(iv) Applicant to submit a revised site layout plan showing exact location and capacity of petrol/ oil interceptors within the site. All surface water runoff from premises, including truck parking, wheel wash area and refuelling areas shall be routed via silt trap and oil/petrol/diesel interceptor to prevent accidental spillages of oils, greases, solvents or other contaminated matter entering the surface water drainage system, including groundwater. In view of the fact that the quarry is located within the vicinity of Brittas River and River Dodder, surface water runoff from the site shall meet the requirements of the Local Government (Water Pollution) Acts, 1977 - 1990.
(v) Applicant to submit on a revised site layout plan and cross section, exact location and extent of bunding for over ground oil/ chemical, etc storage tank(s). All liquid storage areas shall be contained within approved bunds capable of containing at least 110% of the volume of the largest drum/tank within the bund.

8. Applicant to submit further details to demonstrate that the proposed development will not in anyway adversely affect existing spring fed wells serving dwellings and farms on lands adjoining, or in the vicinity of the quarry.

10 The Non-technical Summary submitted with the application is considered to be inadequate in that it does not give a satisfactory report with drawings / maps / photomontages adequately detailing the nature and extent of the proposed development. A revised Non-technical Summary Report is required, including drawings, maps and photomontages, adequately outlining and illustrating to non-technical persons the nature, extent and impact of the proposed development through its phases.

ADDITIONAL INFORMATION

By Order dated 24 July 2007 it was decided to request Additional Information as detailed above.

Additional information was received on 31st January 2008 as follows:

ITEM 1

In response to Item 1 of the request for additional information the applicant has submitted a revised scheme and phasing of quarry excavations over the expected lifetime of the quarry. This provides for extraction in four phases extending over a total of 232 years from the present year. The submission states that under the alternative extraction option now proposed-

"The quarry footprint will extend southwards gradually, which will allow the proposed screen planting along the southern boundary to become effective before the extraction area reaches the southern parts of the site. The landscape proposals further include for planting along all quarry benches, in order to screen large parts of the quarry faces. This planting will be carried out in phases. The quarry

faces created by the previous extraction stages will be partially screened by maturing vegetation, while the new quarry faces are created within the current extraction."

Proposed Alternative Scheme and Phasing of Quarry Excavations

Phase	Expected time scale in years	Description
1	35	remaining substantially within the existing quarry footprint excavating down to a final floor level of 236 metres OD
2	74	extending the existing quarry footprint southwards by approximately 180 metres, excavating down to a final floor level of 236 metres OD
3	97	extending the quarry footprint further southwards to the southern boundary of the site, excavating down to a final floor level of 236 metres OD.
4	26	extending the footprint of the northern portion of the quarry westwards by 90 metres approximately, excavating down to a final floor level of 216 metres OD.
Total	**232**	

The submission states that the landscape and visual impacts of the alternative extraction option now proposed will be generally slightly lower than the impacts of the extraction option submitted with the original application due to the following factors:

- The provision of an increased setback of the extraction area from the south-western boundary of the site allows for increased screen planting in this area. This will result in better screening of the most south-eastern quarry faces, in particular in views from the west and northwest.
- The extraction works in the northwestern part of the extraction area will only be taken down to 281 metres OD, as opposed to the 270 metres OD contour in the previously proposed option. This will provide for increased screening by existing topography in views from the north and west.
- The new Restoration Plan includes for planting along all quarry benches, instead of intermittent planting as previously proposed. This planting will provide screening of large parts of the quarry faces. It is however noted that the restricted rooting area on the quarry benches and the exposed conditions on site are likely to restrict / slow down the growth of any trees and shrubs.

The submission notes that the proposed mitigation measures for the alternative extraction option in relation to landscape and visual impact are generally similar to the mitigation options proposed in the original option, i.e. screen planting along the south-western boundary and on the quarry benches. The areas of proposed planting have, however, been increased and the planting mixes have been revised slightly, in accordance with proposals made in item 4 of the request for additional information.

The submission describes the landscape and visual impact of the proposed alternative extraction option in more detail, illustrated by reference to a set of photomontages of views of the quarry from five separate locations, showing the effects of the proposed landscaping measures at the completion of each phase of extraction.

The submission further states that, with the exception of visual impact as outlined above, and an impact on the watertable, the revised quarry layout incurs no new or additional impacts to those outlined in the EIS submitted with the original application.

It is anticipated that the watertable may be intercepted during phase 4 (i.e. commencing 206 years from the present) but the impact is expected to be minimal as the aquifer underlying the quarry is classified as poor.

The submission notes that the expected time scale is based on the current extraction rate, however market demands will influence the rate of extraction, and the existing truck movements as stated in the quarry registration form would allow for an increase in the current annual rate of extraction.

ITEM 2
In response to item 2 of the request for additional information the applicant has submitted a Digital Terrain Model in CD format.

ITEM 3
In response to item 3 of the request for additional information the applicant has submitted a tree assessment including details of the location, species, GPS reading, height and girth of trees located at the quarry, and indicating whether or not the particular trees or groups of trees will be impacted by the quarry. This assessment indicates that 11 trees at six of the eight locations identified, the majority of which consist of single hawthorn trees mostly between 3 and 5 metres in height, will be impacted by quarrying activity. Four of these locations are within the area of the new access road. An area of approximately 40 tall mature trees, which are thought to be of planted origin, located on the western boundary of the site adjacent to Mount Seskin Road, will not be impacted. As the Restoration Plan includes for a high level of tree planting as screening for the quarry operation using mainly native tree species, the area of tree cover on the site is expected to increase.

ITEM 4
In response to item 4 of the request for additional information the applicant has submitted a revised Restoration Plan for the quarry detailing the following:

- Proposed planting of finalised quarry benches on completion of each extraction stage. A number of small areas on the uppermost benches will be left untouched to provide nesting habitats for Peregrine Falcons.
- Revised design and construction details of proposed quarry benches. It is proposed that blasting of the benches will be carried out so that drainage will not be an issue.
- A time scale for proposed landscape treatment and photomontage views.
- A revised planting plan providing for revised woodland and scrub mixes to include for standard trees and conifer species of local provenance.
- An increased set back of the extraction area from the south-western boundary. The area between the site boundary and extraction area will be entirely planted up with a woodland and scrub mix to provide screen planting of the southern part of the proposed quarry void. This planting will be carried out at the beginning of phase 1, allowing the trees and shrubs time to mature before the extraction works reach the southem parts of the application site, and will screen large parts of the proposed extractions in views from locations to the west of the quarry as shown in the revised photomontages submitted.

ITEM 5
In response to item 5 of the request for additional information the applicant has submitted a revised Figure 7.2 to correspond with the noise monitoring locations listed in Table 9-1 of the EIS., and showing the location of noise sensitive receptors located closest to the quarry site boundaries.

ITEM 6
In response to item 6 of the request for additional information the applicant has submitted drawings showing a revised site entrannce and layout for a new access road to the quarry in accordance with the requirements specified, and details of proposed surface water run-off management to prevent discharge onto the public road.

ITEM 7
In response to item 7 of the request for additional information the applicant has submitted details of a new waste water treatment system to be installed on site, including details and cross section of the treatment system to be installed, which complies with the Greater Dublin Regional Code of Practice for Drainage Works.

ITEM 8
In response to item 8 of the request for additional information the applicant has submitted proposed surface water drainage plans as requested.

ITEM 9
In response to item 9 of the request for additional information the submission states that the proposed development will not impact on the water table until phase 4 ((i.e. commencing 206 years from the present). The natural groundwater table will not be altered during phases 1 to 3 of operations and therefore any changes in the water table in this region will only be as a result of natural fluctuations in the water table.

It is proposed that the applicants will ensure that on site water levels are monitored routinely and recorded in order to provide data on fluctuations in water levels in the area. It is further proposed that an audit of all wells in the region take place at the end of phase 3 of operations prior to commencement of phase 4, and on-going monitoring will take place at the existing boreholes BHA and BHB throughout Phases 1, 2 and 3. Furthermore if, following investigation, it is found that the activities of the quarry are impacting negatively on the water supplies of nearby dwellings and farms, the applicant will take responsibility for the improvement of the water supply, or failing that the provision of a new water supply at this location.

ITEM 10
In response to item 10 of the request for additional information the applicant has submitted a revised non-technical summary.

CONSULTATIONS

Roads Department report dated 20/02/08 states that details of the revised access submitted are satisfactory and permission should be subject to a condition requiring details of surface water run-off collections/disposal from site access road (incl. culverting of roadside stream at site entrance) to be submitted for approval before development commences.

Environmental Services Department report regarding Surface Water Drainage dated 21/02/08 indicates no objection subject to a condition requiring that prior to commencement of remediation works on the

quarry all surface water drainage drawings shall be submitted for the agreement of the Area Drainage Engineer, and Water Pollution Engineer, Deansrath Depot.

Environmental Health Officer report dated 21st February 2008 indicates that the proposed development is acceptable subject to compliance with conditions specified in the report regarding control of noise, dust, vibration, monitoring data, and communication.

A further Environmental Health Officer report dated 19th March 2008 recommends that clarification of additional information be requested with regard to the proposed waste water treatment system as follows:

- Details of the site investigation that was carried out to determine a suitable location for the percolation area, to include visual assessment of the site, trial hole and percolation test results.
- Detailed site location maps clearly outlining locations of both existing and proposed treatment systems, and the current well used on the site, and details of treatment system and well serving the existing house on the site.
- A report of a geologist or hydro-geologist to establish the pattern of water movement in the aquifer, and possible impacts on this water supply in the event of the extension of quarrying activities.

Parks and Landscape Services Department report dated 19 March 2008 states that the landscape details additional information provided regarding planting of quarry bench areas are generally acceptable, however, the proposal for additional long-term screen planting on the western boundary of the site is considered inadequate. Therefore, in the event of it being decided to grant planning permission a condition is recommended requiring the provision of a minimum 50 metre wide woodland planting strip along the western boundary of the site to provide a long-term screen for all future phases of quarrying operations at the quarry.

Submissions/Observations /Representations

Nine letters of objection have been received in relation to the additional information submitted. It is noted that a number of issues raised in letters of objection previously submitted have been raised again in the current submissions. The principal issues raised in the submissions are as follows:

- The Additional Information makes no mention of a spring-fed well located in a field adjoining the quarry. This is supplied by a ground water resource feed system located in the hill above which the applicants propose to blast out and remove, and as a result it is likely to extinguish this ground water resource feed to this well. A hydro-geologist report / audit should be sought on all springs, wells and water tables in the area as the applicant seems to draw all information from the Geological Survey database.
- Additional information submitted does not adequately take care of the problem of storm water that flows from the quarry on to Mountseskin Road.
- Additional information submitted does not take account of shadows that will be cast on the farm and possibly dwellings by proposed earthen berms and tree planting.
- Additional information submitted does not take account of 3 ton weight restriction on Mountseskin Road.
- The applicants have not been given any consent or permission to include lands outside the red line on maps submitted as additional information.
- The decision as to which homes are relevant to blast vibration monitoring should be made by an independent body and not be left up to the applicants.

- Advertisement notifying submission of additional information is false and misleading in stating an incorrect fee for submissions and incorrect period for making submissions.
- Brittas & District Community Association continues to strongly object and oppose this application as stated in their original submission.
- The revised Non-technical Summary submitted as additional information takes no account of the impact of the proposed development on recorded monuments in the vicinity.
- The photomontages submitted as additional information do not offer a realistic view of what will be visible.

A letter from Councillor Corr requests that her strenuous objection to this application be recorded on this file as made previously at Council Meetings.

ASSESSMENT OF ADDITIONAL INFORMATION

It is considered that the alternative phasing scheme proposed in the Additional information received on 31st January 2008 substantially addresses the relevant issues raised in the request for additional information. In particular the revised proposal will substantially reduce the extent of the proposed quarry footprint in the early phases, provides for a progressive extension of the quarry footprint over the lifetime of the quarry, and is more appropriate, having regard to the scale of the proposed development and to the long future time period over which the quarry will operate. The revised proposal will reduce the extent of the exposed quarry faces in the initial phases and will allow screen planting measures to become effective prior to further extensions of the quarry footprint in the future.

Having regard to the long time period over which the proposed Phases 1-4 of the quarry development are planned to take place (a total of 232 years), it is considered appropriate that any permission granted for quarrying operations on the site should be subject to a requirement that no extraction of rock shall be undertaken on any part of the application lands outside the area of Phase 1 without the prior written consent of the Planning Authority.
This will allow future proposals for quarrying operations in the subsequent phases to be assessed having regard to the circumstances then pertaining, including any future changes in environmental standards, and the effectiveness of the landscaping measures to be implemented in Phase 1 in mitigating the visual impact of the quarrying operations. It is considered that this will provide a reasonable basis for the continued viable operation of the quarry, having regard to the projected length of time over which it is planned to implement Phase 1 of the development (35 years). It is recommended that any permission be conditioned accordingly.

It is noted that the predicted landscape and visual impacts of Phase 1 of the proposed alternative extraction scheme, as illustrated in the photomontages included in the Additional Information received, indicate that the visual impact will be minor as seen in views of the quarry lands from each of the viewpoints illustrated, as the excavations will almost fully stay within the existing quarry void.

It is considered that, subject to satisfactory compliance with the recommended conditions including the satisfactory implementation of all proposed mitigation measures, the proposed continued operation of the quarry will not result in any significant environmental effects. It is considered that any outstanding matters identified in departmental reports outlined above can be dealt with by way of conditions.

With regard to the proposed quarry operating hours, it is noted that the applicant has proposed to operate until 18.00 hours on Saturdays. The Quarries and Ancillary Activities Guidelines for Planning Authorities (DEHLG 2004) recommend that normal operations on Saturdays should be confined to the hours between 07.00 and 14.00. It is considered reasonable therefore that the operating hours on Saturdays should be limited to 07.00 to 14.00, having regard to the proximity of the quarry site to existing residential development in the area.

COMMENTS ON LETTERS OF OBJECTION RECEIVED

With regard to the objection raised to the inclusion of adjoining farmland within the lands outlined in blue colour on application drawings submitted, as previously noted this is a matter of title dispute in which the Council has no role.

With regard to the objection raised relating to the effect of blasting on neighbouring houses and land and the request for independent monitoring of blasting, it is noted that the Environmental Health Officers report indicates that details submitted in this regard are satisfactory. Conditions are recommended to provide for appropriate monitoring in accordance with current guidelines.

With regard to the objection raised regarding hazards to the safety of pedestrians and motorists due to HGV traffic on Mountseskin Road on which there is a three tonne restriction, it is noted that no increase in quarry traffic is proposed, and the three tonne restriction applies to through traffic only and not for access purposes.

With regard to the objections raised regarding danger to farm animals grazing close to the edge of the quarry, and that the Quarry Manager has not fenced the boundary securely to protect children and livestock, it is considered that this is a private matter between the quarry operator and adjoining landowners.

With regard to the objections raised regarding the capacity of existing surface water infrastructure to deal with instant run-off from underlying rock in thunderstorms when topsoil is removed, suitable conditions are recommended requiring appropriate measures to be taken to prevent surface water draining on the public road.

With regard to the objections raised regarding pollution caused to residents and livestock by dust, noise, blasting and flyrock, and that the Quarry Manager has failed to prevent pollution, it is noted that the Environmental Health Officers report indicates that details submitted in this regard are satisfactory. Conditions are recommended to provide for appropriate monitoring in accordance with current guidelines.

With regard to the objection raised that data contained in the EIS is not a true account of operations as the Environmental Health Officer has ordered complete works to cease on several occasions due to pollution being emitted, it is noted that the Environmental Health Officers report indicates that details submitted in this regard are satisfactory. Conditions are recommended to provide for appropriate monitoring in accordance with current guidelines.

With regard to the objections raised that the scale of the proposed development will have a detrimental effect on the visual amenities of the area, and the need for such a large quarry is questionable, it is considered that the proposed revised extraction scheme, subject to a condition requiring the written

consent of the Planning Authority to be obtained prior to the commencement of phase 2, will not result in any significant additional visual impact as the excavations in Phase 1 will almost fully stay within the existing quarry void. Furthermore, the full implementation of the proposed landscaping measure as amended by the relevant condition will substantially mitigate future visual impact in the event of the subsequent phases being implemented at some future date. Regard has been had in assessing the proposal to the requirement under section 261(7)(c) that a planning authority, shall, in considering an application for planning permission made pursuant to a requirement under section 261(7)(a), have regard to the existing use of the land as a quarry.

With regard to the objections raised that the proximity to Liffey waterworks and the catchment area for the reservoir would pose an unacceptable risk to the public water supply for Dublin, it is noted that the quarry site is not located within the catchment area of the reservoir.

With regard to the objections raised that the application is in breach of Section 261 and is therefore invalid, and the registration of this quarry is inaccurate and also invalid, it is noted that no details have been submitted to support these assertions.

With regard to the objections raised that the Additional information submitted does not take account of shadows that will be cast on the farm and possibly dwellings by proposed earthen berms and tree planting, it is noted that no earthen berms are now proposed in the revised scheme submitted, and it is recommended that the proposed landscaping scheme be subject to a requirement that it does not unduly shade adjoining farmland.

With regard to the impact of the proposed quarry operations on the existing spring-fed water supply to local farms and dwellings, it is considered that this can be addressed by way of a condition requiring that hydrological / hydro-geological investigations be carried out to determine what impact if any the future quarrying operations may have on this resource. It is noted that the applicant has proposed that an audit of all wells in the region take place at the end of phase 3 of operations prior to commencement of phase 4. However, having regard to the continuing concerns of local residents / farmers who are dependant on such wells as their sole source of water supply, it is considered appropriate that further investigation of the potential impact of quarrying operations on any spring-fed wells in the immediate vicinity of the quarry should be carried out prior to the commencement of Phase 1. It is further noted that the applicants in their submission have undertaken to take responsibility for the improvement of the water supply, or failing that, the provision of a new water supply at this location, if it is found that the activities of the quarry are impacting negatively on the water supplies of nearby dwellings and farms. It is appropriate that a requirement in this regard be included in the relevant condition.

With regard to the impact of the quarrying operations on recorded monuments in the area, a third party submission refers in particular to two sites which are located in close proximity to the proposed quarry excavation area, a moated site (Ref DU024-019), and a 4,000 year old burial chamber. Section 12 of the EIS details the assessment carried out in this regard. As noted previously the EIS concludes that no direct or indirect impacts on known archaeological sites or monuments or structures of heritage significance were identified in the study. It is noted that the site Ref DU024-019 lies in farmland outside the boundary of the application site as indicated by the red line on application drawings.

With regard to the assessment of the amount of security to be required to ensure satisfactory restoration of the lands, the relevant site area, comprising of the existing excavated area and the area extending to the northern site boundary, is estimated to be 11.4 hectares. As this corresponds to the planned extent

of the area of quarrying operations at the end of Phase 1 of the proposed development the amount of security required is €140,000, calculated at the rate of €5,000 per acre as applied in relation to other quarries registered under Section 261.

The revised Non-technical Summary submitted as Additional Information is considered to be satisfactory.

RECOMMENDATION

It is considered that, subject to the following conditions, the proposed development scheme, as revised by Additional Information received on 31st January 2008, would be consistent with the proper planning and sustainable development of the area, having regard to the relevant policies and objectives of the *South Dublin County Development Plan 2004-2010*, and to the *Quarries and Ancillary Activities Guidelines for Planning Authorities* issued by the Department of the Environment, Heritage and Local Government in April 2004, and *Environmental Management Guidelines - Environmental Management in the Extractive Industry (Non-Scheduled Minerals)* published by the EPA in 2006. Accordingly, it is recommended that planning permission be granted for the proposed revised development subject to the following conditions.

I recommend that a decision be made pursuant to the Planning & Development Acts 2000-2004, for the reasons 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 (30) condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2004-2010 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. 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 planning permission, and as amended by Additional Information received on 31st January 2008, save as may be required by the conditions hereunder. The quarry shall be operated in such a manner so as to not give rise to a nuisance by virtue of emissions that are so prolonged, or of such frequency, as to be reasonably considered as being a justifiable cause for complaint.

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

2. The extraction of rock on the subject lands shall be limited to the area Proposed as Phase 1 of the revised scheme of development as detailed in the Additional Information received on 31st January 2008, and as delineated on Phase 1 Site Extraction Plan Drawing No. 3364-2009 Issue A dated January 2008. No extraction of rock shall be undertaken on any part of the application lands outside the area of phase one without the prior written consent of the Planning Authority, such consent to be subject to the conditions applicable pursuant to Section 261(8)(b) of the Planning and Development Act 2000, which can be applied without liability for compensation.

   Reason: To enable the likely significant environmental effects of any future quarrying operations to be assessed in the light of circumstances then pertaining, including any relevant changes in environmental standards and technology, in the interest of amenity and the proper planning and sustainable development of the area.

3. Quarrying operations, other than blasting, shall only be carried out between 07.00 and 18.00 hours on Monday to Friday inclusive, and between 07.00 and 14.00 on Saturdays. No such activity shall take place outside these hours or on Sundays or public holidays.

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

4. a) Free-field noise levels attributable to the operation of the entire quarry complex, when measured at the nearest noise sensitive receptor, shall not exceed
   55 dB(A) (I hour LAeq) between 08.00 - 20.00 hours
   45 dB(A)(1 hour LAeq) between 20.00 – 08.00 hours
   95% of all noise measured shall comply with the specified limit values. No individual noise measurement should exceed the limit values by more than 2 dB(A).

   b) There shall be no audible tonal or impulsive noise at sensitive receptors between 18.00 – 08.00 hours due to activities carried out on the site.

   c) A quarterly survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emissions arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location at the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the Planning Authority for its written agreement within three months of the date of this decision. Surveys shall be carried out in accordance with the EPA's "Environmental Noise Survey – Guidance Document" (2003) or as may be amended from time to time. The results obtained from the assessment programme shall be submitted

quarterly for the written agreement of the planning authority. The operator shall carry out any amendments to the programme required by the planning authority following this quarterly review.

Reason: In the interests of residential amenity, public health and the proper planning and sustainable development of the area.

5. a) Groundborne Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, as measured in any of the three mutually orthogonal directions about a fixed point at any sensitive receptor location for vibration with a frequency of less than 40 hertz.

b) Blasting shall not give rise to air overpressure values in excess of 125 d(B)(Lin)max peak with a 95% confidence limit at any sensitive receptor location. No individual air overpressure value shall exceed the limit value by more than five dB (Lin).

c) Blasting shall only be carried out between 09.00 and 18.00 hours on Monday to Friday inclusive. Blasting shall not take place outside these hours or on Sundays or public holidays.

d) Advance notification of each blasting operation shall be provided to all landowners and occupiers within 500 metres of the quarry, as delineated by the red coloured line indicated on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008 submitted as Additional Information on 31st January 2008.

e) A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted for the written agreement of the planning authority within three months of the date of this decision. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To ensure the protection of amenity and public health, in the interest of the proper planning and the sustainable development of the area.

6. a) Total dust deposition (soluble and insoluble) measured at the site boundary shall not exceed 350mg/m2/day (when averaged over a 30 day period). The Bergerhoff Method (German Standard VDI 2119, 1972) shall be used to measure dust deposition. Continuous monitoring of dust deposition shall be carried out. Any emission which does not comply

with the above standards shall be notified to the Planning Authority immediately.

b) Within three months of the date of this decision details of satisfactory arrangements for the suppression and control of dust arising from the open working, processing and the handling and transportation of mineral and / or product, and stripping of overburden, shall be submitted for the written agreement of the Planning Authority. The location of sensitive receptors and prevailing wind directions shall be taken into account when locating haul roads, tips, stockpiles and processing plant. The area of excavated land not covered by vegetation shall be kept to a minimum. The stripping of overburden shall be carried out only during favourable weather conditions. The deposition of dust on surrounding lands in excess of allowed limits, or spillage on to public roads shall be prevented at all times.

c) A monthly survey and monitoring programme of dust shall be undertaken by a suitably qualified person having appropriate experience to provide for compliance with the above limits. Details of this programme, including the location of dust monitoring stations, shall be submitted for the written agreement of the planning authority within three months of the date of this decision. This programme shall include an annual review of all dust monitoring data, to be prepared by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To ensure the protection of amenity and public health, in the interest of the proper planning and sustainable development of the area.

7. All recorded data from monitoring of noise emissions, blasting, and dust deposition, shall be submitted to the Planning Authority in a suitably formatted and readable form on a quarterly basis, within ten working days of the end of each quarter, beginning on the first day of February and following on the first day of May, August, and November each year. Monitoring data must also be submitted on request outside these times. Where any data is missing this fact must be recorded and a reason given for its omission. All noise, dust and vibration monitoring shall be carried out by a suitably qualified person having appropriate experience at the locations agreed by the Planning Authority. All emissions which do not comply with the above standards must be notified to the Planning Authority immediately.

Reason: To ensure the protection of residential amenity and public health, in the interest of the proper planning and sustainable development of the area.

8.

a) The names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the operation of the quarry shall be provided to South Dublin County

Council. All changes in personnel or particulars must also be notified to the Council as soon as they occur.

b) The operator shall provide all landowners and occupiers within 500 metres of the quarry, as delineated by the red coloured line indicated on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008 submitted as Additional Information on 31st January 2008, 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 fly-rock on lands outside the quarry, or otherwise to make a complaint in respect of an aspect of the quarry operation.

c) A public notice shall be erected and maintained at the entrance to the quarry. This notice shall contain the name of the operating company and contact details, including out of hours contact, which may be used in the event that any person wishes to contact the operator in respect of any aspect of the quarry operation.

Reason: In the interests of amenity, public health, and the proper planning and sustainable development of the area.

9. 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 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 decision. Authorised officers shall check in with the Quarry Manager or his/her representative prior to such inspections.

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

10. Five years from the date of this decision and at five-yearly intervals thereafter the quarry operator shall submit to the Planning Authority an updated Digital Terrain Model of the entire lands within the site boundary as shown on Site Location Plan Drawing No. 3364-2001 Issue A dated January 2008. The Digital Terrain Model shall be prepared by a suitably qualified person having appropriate experience, and shall include details of all areas i) that have been excavated to date, ii) that have been prepared for excavation, and iii) that may have been rehabilitated.

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

11. 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 names shall be

submitted to the Planning Authority for prior approval. The environmental audit to be submitted 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 breaches over the previous year of dust, noise, vibration / air overpressure, and water quality standards.
d) A written record of all 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 interests of amenity, pollution control, public health and the proper planning and sustainable development of the area.

12. Notwithstanding the current environmental standards for noise, vibration, and dust, contained in the Environmental Protection Agency document "Environmental Management in the Extractive Industry (Non-Scheduled Minerals)", should these standards be revised in the future or should new standards be introduced, either by legislation, or in the form of guidance from the Environmental Protection Agency or it's successor, these quarry operations shall be carried out in compliance with the revised standards.

Reason: In the interests of amenity, pollution control, public health, and the proper planning and sustainable development of the area.

13. All external lighting provided on the quarry site shall be designed, installed and operated, so as to prevent nuisance to neighbouring occupiers and road users, and to avoid over-lighting, and lighting units shall be of a type that deflects light downwards from the horizontal.

Reason: In the interests of amenity, traffic and public safety, and the proper planning and sustainable development of the area.

14. Metal advance warning signs shall be erected and maintained in good and clean condition at the site entrance / exit. The material, content, design and location of these signs shall be agreed with the Planning Authority.

Reason: In the interests of traffic safety.

15. 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. The quarry operator shall be responsible for maintaining the public roadways in the vicinity of the site entrances / exits in a clean state, free from mud and

other debris caused by the haulage of such material.

Reason: In the interests of traffic safety and amenity.

16. (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) 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.
(c) All heavy goods vehicles exiting the site shall use the wheel washing facility, and shall travel only on the paved surface to the exit.

Reason: In order to prevent dust emissions in the interests of amenity, traffic safety, and the proper planning and sustainable development of the area.

17. All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected 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, nor 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.

18. 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 discharged 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 groundwater, and surface water from impermeable surfaces (roads, roofs etc), to existing drains or watercourses, then the discharge shall be limited to 6 litres per second per hectare of impermeable surface to reduce the risk of downstream flooding. This shall be achieved by constructing attenuation storage, preferably a pond, and restricting the outflow discharge by means of a 'Hydrobrake' or equivalent device. Details of the design shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision.

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

19. 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 and wells 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.

20. a) All surface water from the plant area, quarry floor and internal haul roads shall be directed to sumps and discharged from there to settling lagoons.

b) The settling lagoons shall be of an adequate size and properly maintained to ensure the efficient removal of suspended solids.

c) Site roads and approaches to river crossings shall be regularly brushed or scraped and kept free from dust and mud deposits.

d) Details of surface water run-off collection/disposal from the site access road (incl. culverting of roadside stream at site entrance) to be submitted for approval prior to construction of the access road.

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.

21. a) A groundwater level monitoring programme shall be implemented at the quarry. Groundwater levels shall be recorded at monthly intervals, and reported to the Planning Authority on a quarterly basis. The location and number of monitoring points to be agreed with the Planning Authority.

b) Within six months of the date of this decision a hydrological / hydro-geological report in respect of the quarry lands, prepared by a suitably qualified person having appropriate experience, shall be submitted to the Planning Authority. The report shall detail all measures proposed to be taken to protect groundwater resources, and in particular any spring-fed or other wells in the vicinity of the quarry lands. The report shall have regard to all relevant requirements arising under the Water Framework Directive.

c) In the event of quarrying activities having an adverse impact on private wells in the

vicinity, the quarry operator shall undertake appropriate remedial measures as agreed with the Planning Authority, at his own expense. In the event of any disruption of water supplies, the operator shall cease any operations causing such disruption until the water supply has been restored or replaced.

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

22. a) All over-ground oil or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume in excess of 110% of the capacity of the largest tank.

b) Bunds shall be tested at intervals of not more than three years and documentation of tests shall be available for inspection by the Planning Authority.

c) All refueling shall take place on impermeable areas that drain through an interceptor from tanks that are bunded or double skinned.

d) All waste oil and chemicals shall be removed from the site and disposed of to the satisfaction of the Water Pollution Control Section of the Local Authority.

e) A spill kit shall be maintained on site with adequate supply of containment booms and absorbent materials to deal with any spillage.

f) The operator shall ensure that blasting practice minimises the risk of occurrence of nitrate/ammonia residues by proper blast design and implementation, appropriate disposal of any excess explosives, and selection of the appropriate type of explosives.

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.

23. Settlement ponds shall be regularly cleaned out by the operator as necessary for the efficient operation of the ponds in an environmentally acceptable manner. Appropriate measures shall be put in place to prevent silt leaving the site in any drain or watercourse during the cleaning process. Silt removed from the settlement ponds shall be periodically covered with topsoil and seeded with grass to prevent subsequent dispersal.

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

24. Within three months of the date of this decision the following details shall be submitted for the written agreement of the Planning Authority:
a) Details of the site investigation carried out by a suitably qualified person having appropriate experience to determine a suitable location for the proposed percolation area.

Details shall include visual assessment of the site, trial hole and percolation test results. The trial hole(s) must be properly excavated, covered and made available for inspection. b) Detailed site layout maps shall be submitted which clearly outline the following: location of current septic tank and percolation area on the site; location of proposed Septech system and percolation area; location of current well used on the site; locations of the water supply and foul drainage system serving the existing house on the quarry lands.

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

25. Detailed records of the types and quantities of all wastes generated by the development shall be maintained and made available for inspection by the Planning Authority upon request. Any treatment / disposal of waste shall be carried out in compliance with the Waste Management Acts 1996–2006, or as may be amended from time to time.

Reason: In the interests of public health, safety and the proper planning and sustainable development of the area.

26. Within three months of the date of this decision the applicant shall submit for the written agreement of the Planning Authority revised proposals, prepared by a suitably qualified person having appropriate experience, for the provision of extensive woodland/forestry planting to screen the proposed quarry excavation and a satisfactory time frame for the implementation of the scheme. This planting scheme shall be designed to provide a long-term screen for all future phases of quarrying operations at De Selby, particularly in respect of adjoining properties and from the surrounding area in general. The strip of planting along the western side of the proposed quarry extension shall have a minimum width of 30 metres (excluding the areas for proposed bench planting). The planting scheme shall be designed so as to ensure that trees planted close to adjoining farmland shall not cause excessive shading of those lands having regard to the northern orientation of the relevant lands. The agreed scheme shall be implemented to the satisfaction of the Planning Authority.

Reason: To ensure the satisfactory amelioration of the visual impact of the proposed development in the interests of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on visually prominent lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

27. a) Following the cessation of quarrying operations, all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation, and all rehabilitation works shall be completed within 36 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the

appropriate land shaping of the ground in relation to the contours of adjoining land.

b) Specifications and drawings indicating the proposed works to rehabilitate the site, detailing existing contours and the grading and levels of the final contours to which the rehabilitation shall be carried out, shall be submitted to the Planning Authority for agreement in writing prior to the commencement of such works.

c) The proposals shall be prepared by a suitably qualified person having appropriate experience in the remediation / rehabilitation of quarries, and shall be supported by detailed maps, section drawings, and appropriate graphic material.

d) The works shall not commence until such agreement has issued in writing and the agreed works shall be completed to the satisfaction of the Planning Authority.

e) Any change of use of the lands for non-agricultural purposes, including the deposit of building and construction waste, shall be subject to a separate grant of planning permission for such use.

f) The source of all material proposed to be used in respect of all rehabilitation 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.

Reason: To ensure the satisfactory rehabilitation of the site in the interests of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

28. 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 be readily 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.

29. 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 €140,000 (one hundred and forty 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.

30. At all times during the stripping of topsoil on the site a suitably licensed archaeologist shall be present to monitor the work. In the event of any remains of archaeological or historic interest being discovered on the site, the Planning Authority shall be informed immediately. All works affecting these remains shall cease immediately and shall not re-commence until approval in writing has been received from the Planning Authority, following consultation with the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government or its successors.

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

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

REG. REF. SD07A/0409
LOCATION: De Selby Quarry, Townlands Of Corbally And Lugmore, Tallaght, Co. Dublin

Bob Matthews
Senior Executive Planner

Colin Ryan
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Dated: 26/03/08

Tom Doherty, Director of Planning

APPENDIX 5

PUBLIC NOTICE RELATING TO S261A AND SUBMISSION NO.44

Comhairle Contae
Átha Cliath Theas
South Dublin County Council

Review of Quarries

Section 261A of the Planning and Development Act 2000 (as amended) (Further matters in relation to control of quarries)

1. South Dublin County Council intends to examine every quarry in its administrative area to determine, in relation to that quarry, whether having regard to the Environmental Impact Assessment Directive and the Habitats Directive, one or more than one of the following was required but was not carried out —

(i) an environmental impact assessment;

(ii) a determination as to whether an environmental impact assessment is required;

(iii) an appropriate assessment.

2. Where South Dublin County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether environmental impact assessment was required, or an appropriate assessment, was required but was not carried out and the Council also decides that —

(i) the quarry commenced operation prior to 1 October 1964, or planning permission was granted in respect of the quarry, and

(ii) if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000 (as amended) were fulfilled,

the Council will issue a notice to the owner or operator of the quarry requiring him/her to submit an application to An Bord Pleanála for substitute consent, such application to be accompanied by a remedial environmental impact statement or a remedial Natura impact statement or both of those statements, as appropriate.

3. Where South Dublin County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether environmental impact assessment was required, or an appropriate assessment was required, but was not carried out and the Council also decides that —

(i) the quarry commenced operation on or after 1 October 1964 and no planning permission was granted in respect of the quarry, or

(ii) if applicable, the requirements in relation to registration under section 261 of the Planning and Development Act 2000(as amended) were not fulfilled,

the Council will issue a notice to the owner or operator of the quarry informing him/her that it intends to issue an enforcement notice under section 154 of the Planning and Development Act 2000 (as amended) requiring the cessation of the operation of the quarry and the taking of such steps as the Council considers appropriate.

4. Where South Dublin County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether an environmental impact assessment was required, or an appropriate assessment, was required but was not carried out and the Council also determines that the development in question was carried out after 3 July 2008, the Council will issue a notice to the owner or operator of the quarry informing him/her that it intends to issue an enforcement notice under section 154 requiring the cessation of the operation of the quarry and the taking of such steps as the Council considers appropriate.

5. Any person may make submissions or observations in writing, without payment of a fee, to South Dublin County Council in relation to any quarry in its administrative area not later than 6 weeks after the date of this notice.

6. As the 6 week period referred to above will include Christmas 2011, the period for receipt of submissions or observations will be extended by 9 days by South Dublin County Council. Accordingly the last day for submissions is **January 27th 2012 at 4.30pm.**

Submissions may be made in writing or by email as follows, to; **Tony Shanahan, Administrative Officer, South Dublin County Council, Planning Dept., Town Centre, Tallaght, D24 or by email to devplan@sdublincoco.ie**

7. Submissions received within the period permitted will be considered by the Council. Submissions received may be made available for inspection by the Council or copies may be made available to persons on request.

8. A copy of any notice issued to the owner or operator of a quarry by South Dublin County Council directing him/her to apply to An Bord Pleanála for substitute consent, or informing him/her that the Council intends to issue an enforcement notice under section 154 in respect of the quarry, will be given to a person who made submissions or observations within the period permitted.

9. An owner or operator of a quarry to whom a notice is issued by South Dublin County Council, and any person to whom a copy of such a notice is given by South Dublin County Council, may apply to An Bord Pleanála, without payment of a fee, for a review of a determination or a decision, or both, referred to in the notice.

Frank Nevin
Director
Land Use, Economic & Transport Planning Dept

Web: www.sdcc.ie

Former NIB director has exclusion quashed

Disqualification order not valid, rules Supreme Court

MARY CAROLAN

AN ORDER disqualifying a former executive director of National Irish Bank (NIB) from involvement in managing any company for nine years over "lack of a proper standard of conduct" of affairs at the bank during his period of employment has been overturned by the Supreme Court.

The unanimous ruling [illegible] in favour of Mr Seymour's appeal against a decision of the High Court in 2009 to uphold the disqualification order against him under Section 160 of the Companies Act.

The Director of Corporate Enforcement (DCE) had failed to show actions or omissions of Mr Seymour amounted to conduct or incompetence of the kind [illegible]

A "grave failure" by Mr Seymour to ensure Dirs payments were properly returned to the Revenue, or justify a loss transaction with it, [illegible] was certain Mr Seymour was the wrong man in the wrong place at the wrong time for the post he took over in 2004, Ms Justice Fidelma Macken said.

Mr Seymour came to regret his career decision, allowing [illegible] to be responsible for four out of five [illegible] and other organisations.

The DCE sought the disqualification order following the 2010 findings of inquiry into certain transactions at the bank. The inquiry [illegible] found the bank's directors and senior management [illegible] were responsible for "multiple breaches" of the Companies (Amendment) Act 1990.

The inspectors criticised both NIB and NBFC management for a number of transactions, allowing the [illegible] and monitoring of [illegible] inspectors in their report.

It appeared from the report and [illegible] Mr Seymour's evidence to [illegible] knowledge of the existence of "illegal non-cashless payments" in NIB were [illegible] or such statements, he said. Numerous others with access to the same information and far more qualified in the area of tax [illegible] and Paul Haslam, including NIB's audit committee [illegible] external auditors KPMG, had failed to appreciate or point out any problems, she said.

It seemed obvious, if Mr Seymour was alerted to the problem, he would have tackled it immediately, she added. She found the High Court failed to make necessary findings against Mr Seymour in line with the legal test for a declaration of unfitness [to be involved in managing companies] leading to a disqualification order.

The reasoning for a finding of unfitness must be clear, based on an identifiable legal test or tests and on findings made under those tests within the ambit of the DCE's claim. That was not the position in this case, the judge found.

The appeal by Mr Seymour, in his late 70s, from Ardmullen Road, Rathgar, Dublin, against a section 160 order was successful despite the fact that [illegible] between 1994 and 1998 did not [illegible] appropriate.

Finance One posts after-tax profit of over €92,000 to end of March

CAL HEXTALL
Public affairs correspondent

FINANCE ONE, the finance intermediary that includes the National Asset Management Agency among its clients, made a profit after tax and dividends of €92,232 in the year to the end of March.

The company's abridged financial statements, filed recently, show it made a corresponding profit of €23,572 the year before. Finance One, which is owned by Conor Sheeran and Harry Slowey, had shareholders' funds at year's end of €1.33 million, up from €1.24 million the previous year. No dividend figure was given.

Finance One is on a panel for the provision of advisory services to Nama for the review and evaluation of borrowers' business plans.

Earlier this year developers Ray and Danny Graham opposed Nama's effort to have Mr Slowey appointed as a non-executive chairman of the brothers' company, Glenkerrin. The accounts show Mr Slowey and Mr Sheeran had loans to the company totalling €814,964 at year's end, up from €354,320 at the outset of the year. During the year the company increased its investment in an unidentified project by buying Mr Slowey's interest for €128,000. The accounts show the company's debt to Mr Slowey increased by this amount.

Mr Sheeran is a former director of Aon Consulting who held the position of branch manager with Irish Permanent for 12 years. Mr Slowey was a director of Bank of Scotland (Ireland) for 13 years, has held senior positions with GPA Group and KPMG.

Review of Quarries

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(iii) an appropriate assessment.

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the Council will issue a notice to the owner or operator of the quarry requiring him/her to submit an application to An Bord Pleanála for substitute consent, such application to be accompanied by a remedial environmental impact statement or a remedial Nature impact statement or both of those statements, as appropriate.

3. Where South Dublin County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether environmental impact assessment was required, or an appropriate assessment was required, but was not carried out and the Council also decides that —

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4. Where South Dublin County Council determines in relation to a quarry that an environmental impact assessment, a determination as to whether an environmental impact assessment was required, or an appropriate assessment was required, but was not carried out and the Council also determines that the development in question was carried out after 3 July 2008, the Council will issue a notice to the owner or operator of the quarry informing him/her that it intends to issue an enforcement notice under section 154 requiring the cessation of the operation of the quarry and the taking of such steps as the Council considers appropriate.

5. Any person may make submissions or observations in writing, without payment of a fee, to South Dublin County Council in relation to any quarry in its administrative area not later than 6 weeks after the date of this notice.

6. As the 6 week period referred to above will include Christmas 2011, the period for receipt of submissions or observations will be extended by 9 days by South Dublin County Council. Accordingly the last day for submissions is **January 27th 2012 at 4.30pm.**

Submissions may be made in writing or by email as follows, to: **Tony Shanahan, Administrative Officer, South Dublin County Council, Planning Dept., Town Centre, Tallaght, D24 or by email to devplan@sdublincoco.ie**

7. Submissions received within the period permitted will be considered by the Council. Submissions received may be made available for inspection by the Council or copies may be made available to persons on request.

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9. An owner or operator of a quarry to whom a notice is issued by South Dublin County Council, and any person to whom a copy of such a notice is given by South Dublin County Council, may apply to An Bord Pleanála, without payment of a fee, for a review of a determination or a decision, or both, referred to in the notice.

Frank Nevin
Director
Land Use, Economic & Transport Planning Dept

Web: www.sdcc.ie

Greencore records rise in revenue of 8.7%

SUZANNE LYNCH

GREENCORE [illegible] rise in revenue and profits in the first half of the year, helped by the acquisition of Uniq, which [illegible] a hike for the basis. Earnings per share were 13.9 pence compared to 11.3 pence in 2010.

Revenue for the 26 weeks ended December 30th, 2010, were up 8.7 per cent to £1.1 billion. Operating profit, before exceptional items, was £107 million, up 10 per cent. Exceptional items, which [illegible] were £12 million.

Greencore, which [illegible] Uniq, which [illegible] Greencore's food to [illegible] meals and grocery [illegible] Greencore's [illegible] Uniq business, now in its ninth week, was progressing [illegible] said at the announcement of the deal that we expected annual synergies of £16 million, [illegible] which would be achieved [illegible] We're on track to do this.

A number of [illegible] Greencore [illegible] Greencore's [illegible] Greencore's [illegible] Greencore's

THE IRISH TIMES

This page shows the article as it originally appeared in the newspaper. The article itself can be read on the following page.


BusinessToday

Former NIB director has exclusion quashed

Finance One posts after-tax profit of over €92,000 to end of March

Greencore records rise in revenue of 8.7%

Year of relentless activity underpins excellent health of Irish food company

Living standards on the slide but executive pay seems out of sync

This is the article's web address for reference.

http://www.irishtimes.com/newspaper/archive/2011/1207/Pg017.html#Ar01709

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REV QUAR 044

Roadstone Wood Ltd.

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Email: info@roadstonewood.ie

Roadstone WOOD
The Right Choice

26 January 2012

SOUTH DUBLIN COUNTY COUNCIL
PLANNING DEPARTMENT
PUBLIC COUNTER
26 JAN 2012
RECEIVED

Mr. Tony Shanahan
Administrative Officer
Planning Department
South Dublin County Council
Town Centre
Tallaght
Dublin 24

Re: De Selby Quarry
Quarry at Lugmore and Corbally, Mount Seskin Road, Saggart, Co. Dublin
Planning and Development (Amendment) Act 2010 Section 75 Section 261A (e)

Dear Mr Shanahan,

Further to the public notice, dated 7 December 2011, indicating your intention to examine every quarry in your administrative area we wish to make the following comments in respect of the above named quarry.

The Quarry, shown outlined in blue on the attached map, was registered under Section 261 of the Planning & Development Act 2000 (as amended) (South Dublin Quarry Ref. No. SDQU05A/3) and as a result South Dublin County Council decided that it required a planning application and EIS to be submitted in respect of the continued operation of the quarry.

A planning application and EIS were prepared in respect of the lands shown outlined in red on the attached map and submitted to South Dublin County Council on 1 June 2007 – Planning Ref. No. 07/0409. Further information was requested by the Planning Authority and was submitted on 31 January 2008. South Dublin County Council decided to grant planning permission for the continued operation of the quarry on 26 March 2008 subject to 30 conditions. A first party appeal and a number of third party appeals were lodged with An Bord Pleanala on or about 18 April 2008 in respect of the Planning Authority's decision – Ref. No. PL 06S.228842, and the Board decided to grant planning permission for the continued operation of Phase 1 of the proposed quarry development on 26 June 2009 subject to 23 conditions.

The Planning Authority was advised on 11 June 2010 that operations at the quarry were suspended on a temporary basis due to the economic downturn which is afflicting our business.

On the basis that a planning application and EIS were submitted to South Dublin County Council in June 2007 in respect of the continued operation of the quarry and that as a result, South Dublin County Council / An Board Pleanala decided to grant planning permission, no further action is required under Section 261A of the Planning and Development (Amendment) Act 2010.

Please note that we have an interest in the lands, shown outlined in magenta on the attached map adjoining the planning application lands referred to above, by way of a lease (copy attached), dated 10 November 1913, to quarry same.

Yours sincerely,

Shane Geraghty
ROADSTONE WOOD LIMITED

Encls.



GENERAL LEGEND

APPLICANTS INTEREST	ACTIVITY BOUNDARY
EXISTING MINOR CONTOUR 238.00m	EXISTING MAJOR CONTOUR 240.00m
INTERNAL HAUL ROAD	PUBLIC ROAD
EXISTING BUILDING /STRUCTURE	DRAIN
SITE NOTICE LOCATION [X]	

NOTES

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
4. ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD
5. 6" OS SHEET NO: DUBLIN 21 & 24

40m 0 40m 80m 120m

Issue	Date	Description	By	Chkd.
D01	18.01.12	DRAFT ISSUE FOR REVIEW	NN	ST

Client: ROADSTONE DUBLIN

Project: DE SELBY QUARRY EIS AND PLANNING APPLICATION

Title: SITE LOCATION MAP

Scale @ A1: 1:2,000

Prepared by: M. Nolan | Checked: S. Tinnelly | Date: January 2012

Project Director: D. Grehan

TOBIN
Consulting, Civil and Structural Engineers,
Block 10-3, Blanchardstown Corporate Park,
Dublin 15, Ireland.
tel: +353-(0)1-8030406
fax:+353-(0)1-8030409
e-mail: info@tobin.ie
www.tobin.ie

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Drawing No.: Figure 1 | Issue: D01

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1. 0. 0

THIS INDENTURE Made the Tenth day of November One thousand nine hundred and thirteen BETWEEN MARIA HENRIETTA De SELBY of No.3 Upper Pembroke Street in the City of Dublin Widow hereinafter called the Lessor of the first part and HENRIETTA MARIA GEORGINA LÖCH de SELBY and MARGARET MARY HILDA FAUCONBERG de SELBY both of No.3 Upper Pembroke Street in the City of Dublin Spinsters of the Second part THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND of the third part and The DISELBY QUARRIES COMPANY LIMITED having their registered Office at No.24 Eustace Street in the City of Dublin and hereinafter called the Lessees of the fourth part WHEREAS the said Maria Henriette de Selby is tenant for life and ~~the said Maria Henriette de Selby is tenant~~ for life and the said Henriette Maria Georgina Lüce de Selby and Margaret Mary Hilda Fauconberg de Selby are absolute owners in remainder subject to the said life estate of the said Maria Henriette de Selby of the lands and premises the quarrying rights over and under which are dealt with by this Lease AND WHEREAS by Indenture of Mortgage dated the Third day of September One thousand nine hundred and thirteen the said Henriette Maria Georgina Luce de Selby and Margaret Mary Hilda Fauconberg de Selby as beneficial owners granted unto the said Governor and Company of the Bank of Ireland their reversionary interest in inter alia the said lands and premises for securing advances as therein mentioned AND WHEREAS the parties of the second and third parts respectively have agreed to join in these presents to confirm the lease demise hereby made NOW THIS INDENTURE WITNESSETH AND DECLARETH as follows:-

1. In consideration of the royalties hereinafter reserved and the Lessees covenants hereinafter contained the Lessors as such tenant for life as aforesaid and in pursuance of the powers vested in her as such doth hereby demise and grant and the said Henriette Maria Georgina Lüce de Selby and Margaret Mary Hilda Fauconberg de Selby as Owners in remainder subject to such life estate and the said Governor and Company of the Bank of Ireland as Mortgagees at the request of the parties of the second part do hereby demise grant and confirm unto the said Lessees FIRSTLY ALL THAT AND THOSE the stone quarries which now are or any time or times hereafter during the term hereby granted shall or may be opened in upon or under ALL THAT part of the lands of Corbally otherwise Corballis situate in the Parish of Tallaght Barony of Upper Cross and County of Dublin and which said premises are delineated on the plan drawn in the fold of these presents and are therein edged yellow and marked "A" and "B" the lands marked "A" containing Forty seven acres three roods and eight perches the lands marked "B" containing Two roods and eighteen perches or thereabouts all statute measure and SECONDLY ALL THAT the stone and rock and the stone quarries in under or upon other portions of the said lands of Corbally otherwise Corballis and which said other lands are delineated in the plan drawn in the fold of these presents and are therein edged red containing eighty nine acres or thereabouts statute measure TO HOLD all the said demised premises unto the Lessees from the Eighth day of September One thousand nine hundred and thirteen for the term of Nine hundred and ninety nine years thence next ensuing.

2. There are included in the said demise and for the purposes thereof the liberties following that is to say:-

(1) To enter upon the said lands and to dig search for work win obtain and get by excavations and quarrying the demised stone and rock and the other produce of the premises hereby demised (save as is hereinafter excepted and reserved) and to work make merchantable and fit for sale and carry away and dispose of the same for the benefit of the Lessees.

Registered in the Registry of Deeds, Dublin, at 36 minutes after three o'clock on the 17th day of November, 1913, Book 67 No. 96.
GEO.EOD.A.R. 116 Cd.S.J.J.C.

(11) To erect construct and maintain buildings erections shafts pits railways tramways workshops and machinery as may be deemed necessary or convenient and to open sink and make such quarries levels watercourses roads communications and other conveniences on or over the said lands as may be deemed necessary or expedient for the effectual winning obtaining working carrying away and disposing of the said stone rock or other produce.

(111). TO place and stack upon the said lands any stone rock or other produce got hereunder and to form spoil banks and to heap waste and rubbish.

(1111). GENERALLY to do all things which shall be convenient or necessary for working getting making merchantable and disposing of the demised stone rock and other produce and for obtaining the benefit of the rights liberties and privileges hereby granted.

(V.) PROVIDED that in the exercise of any of the rights mentioned in numbers 1.11.111.and 1111. of this paragraph in connection with the quarries secondly hereby demised compensation shall be paid for the exercise of such rights as hereinafter provided for.

3. THERE are excepted and reserved unto the Lessor all mines and minerals in and under the said lands other than the stone and rock and stone quarries hereby expressly demised with liberty and power for the Lessor and persons authorized by her in that behalf to search for work get raise convert manufacture and carry away the said excepted or reserved mines and minerals at her and their will and pleasureAND with liberty and power for the purposes aforesaid to sink drive erect make and use all such pits shafts additions waterways airways buildings pumps railways tramways roads engines machinery spoil-banks cinder-banks and other conveniences upon through or under the said lands as shall be necessary PROVIDED ALWAYS that the liberties and powers hereinbefore reserved to the Lessor shall be used and exercised so as to cause as little obstruction and hindrance as possible to the Lessees in the enjoyment of the powers and privileges hereby granted and that the Lessor shall pay to the Lessees reasonable compensation for all loss or damage which they may sustain by reason or in consequence of such exercise or use the amount thereof to be settled in case of difference by Arbitration.

4. ALL the timber and other trees which shall be felled in the exercise of the liberties and powers hereinbefore given to the Lessees shall belong to the Lessor.

5. IN case the Lessees shall at any time or times during the said term occupy or use any of the lands edged red for the purpose of working or quarrying same under the liberty in that behalf hereby secondly granted or shall in exercise of any liberty or privilege secondly hereby granted injure or damage any of the said lands edged red or any buildings erections or crops thereon or the preparations for any such crops then and in every such case the Lessees will forthwith pay to the tenants and occupiers of the lands so occupied used or injured as aforesaid proper compensation for or in respect of such occupatic use or injury such compensation to be determined in case of difference by arbitration and will indemnify the Lessor from all actions proceedings claims and demands on the part of such tenants or occupiers or any other persons in respect of such occupation use or injury and will also forthwith indemnify the Lessor by reason of the deterioration in the security for or reduction in the amount of the rents payable to the Lessor by said tenants or occupiers.

6. THE Lessees shall not at any time during the said term enter upon any of the lands the rights over which are secondly above granted for the purpose of commencing any new openings or other works for any other purpose without giving to the Lessor or her agent one calender month's previous notice in writing specifying the land so intended to be entered upon and the object of entering upon the same a similar notice shall be given to the tenants and occupiers.

7. The Lessees will at all times during the said term effectually and vigorously work develop and carry on the said quarries and will at all times keep a sufficient number of men constantaly employed for such purposes.

8. THE following rent or royalty is hereby reserved for or in respect of the premises hereby demised and shall be paid by the Lessees to the Lessor namely the rent or royalty or sum of Two pence for every ton of stone(reckoning Two thousand two hundred and forty pounds to the ton)which shall or may be gotten from or out of the said lands under the authority of this Lease after the Eighth day of September One thousand nine hundred and thirteen and which shall be actually sold disposed of or used by the Lessees or removed from the lands such rent or royalty to be paid on the Eighth day of March and Eighth day of September in every year for and in respect of the stone gotten and sold as aforesaid during the then preceding half year the first half yearly payment tobe made in respect of the half year ending the Eighth day ofMarch One thousand nine hundred and fourteen.

9. THE Lessees hereby covenant with the Lessor to pay the rent or royalty reserved by this Lease at the times and in the manner hereinbefore appointed in that behalf and also to observe and perform the provisions hereinafter confirmed which are on ought on their parts to be observed and performed.

10. IN addition to the rentshereby reserved the Lessees shall pay and discharge all taxes rates charges assessments impositions and outgoings whatsoever which shall from time to time be charged assessed or imposed upon the said demised quarries or premises or any part thereof or upon the stone got therefrom or the proceeds of sale thereof or the royalties or rent hereby reserved or made payable or upon the owner or occupierd thereof by authority of Parliament or otherwise howsoever save and except Landlords Income Tax.

11. FOR the purpose of ascertaining the amount of rent or royalty for stone payable under the above reservation in that behalf the Lessees shall from and immediately after the Eighth day of September One thousand nine hundred and thirteen keep at the Counting House or Office of the Lessees Company proper and correct books of account showing the amount of stone gotten from time to time under the authority of these presents and the sales thereof and of the times of removal of the same from the premises together with all such particulars of weights quantities dates sales and other facts and circumstances as may be necessary and proper and will if required verify such accounts by the Statutory Declaration of their Clerk their Foreman or Bookkeeper or such other person as the Lessor may deem necessary AND also will on each half yearly day hereinbefore appointed for payment of the said rent or royalties deliver to the Lessor or her agent a correct and true account showing the total amount of stone got or quarried during the preceding half year by virtue of these presents and the particulars of all sales thereof and shall if required verify the same by the Statutory Declaration of their Clerk their Foreman or Bookkeeper or such other person as the Lessor may deem necessary AND shall permit the Lessor and her Agent or Agents at all reasonable times to inspect and

take copies of or extracts from the said books of account to be kept as aforesaid.

12. AND will place in some convenient place or places to be approved of by the Lessor or her agent or agents one or more good and properly constructed weighing machine or machines and will cause to be weighed therein all stone raised or got under or by virtue of these presents AND will cause the weights and quantities so ascertained to be forthwith duly registered at the weighing house or houses AND will also at the close of each day cause the total quantity of the stone weighed as aforesaid during the day to be entered in proper books or accounts to be kept for that purpose at the Counting House of the said Quarry in such manner that all stone subject to royalties shall be clearly distinguished and shown.

13. AND will permit the Lessor and her Agent or Agents and servants at all reasonable times during the said term to inspect and test the accuracy of the weighing machine or machines to be kept as aforesaid and the weights used therein.

14. AND will permit the Lessor to employ a person or persons to be present at the weighing of all stone weighed as aforesaid and to keep an account thereof and to check the accounts kept by the Lessees.

15. AND will not employ as weigher or weighers any person or persons who shall be objected to by the Lessor or her agent or agents for any reasonable cause and if any dispute shall arise as to the reasonableness of such objection the same shall be referred to arbitration.

16. THE Lessees shall at all times during the said term keep ~~with~~ all cottages sheds buildings and other erections now standing or which shall hereafter be erected or set up in or upon the said lands in good and substantial repair and condition and the same in such good and substantial repair deliver up to the Lessor at the end of the said term.

17. THE Lessees shall at their own expense and at all times during the said term well and effectually fence and guard the machinery quarries pits railways tramways and other ways now existing or which shall at any time during the said term be made or erected on the said lands and shall do as little damage or injury as possible to the surface of the said lands in the exercise of the liberties hereby granted AND shall make full satisfaction to the tenants or occupiers of the said lands for any damage or loss which may be sustained by them by reason of any horses cattle sheep or other animals falling into or getting on the said quarries pits railways tramways or other ways or otherwise by the neglect or default of the Lessees or their agent servants or workmen the amount of such compensation to be settled by arbitration in case of difference and will keep the Lessor indemnified against all actions proceedings claims and demands in respect of any damage or injury.

18. AND will at all times during the term hereby granted properly and securely fence off and keep fenced off from the adjoining lands by means of a substantial fence the lands edged yellow the quarrying rights over which are firstly hereby demised.

19. THE Lessees shall at all times carry on the works hereby authorised in a proper and workmanlike manner and after the best and most approved method of carrying on similar works.

20. THE Lessees will at all times keep the Lessor effectually indemnified against all penalties damages costs and expenses occasioned by any breach by the Lessees or any perso or persons employed in or about said quarries of any regulation or requirement contained or imposed by any Statute for the regulation of quarries or otherwise.

21. IT shall be lawful for the Lessor or her agent or Agents with or without Engineers surveyors or other persons at all reasonable times during the said term hereby granted to enter into and upon the said quarries and premises and every or anypart thereof to inspect the state and condition of the same and of the works therein and of the manner of working carrying on and managing the same and the quantity of stone actually got or for any other reasonable purpose AND if anyof the said works shall be found to be carried on in an improper and unworkmanlike manner to give notice in writing to the Lessees or their Agent to rectify such improper working within ten days after such notice shall have been so given within which time the Lessees shall rectify the same and for the purposes of this clause the persons hereby authorised to so enter shall have all necessary and reasonable assistance of the miners workmen and others in the employment of the Lessees.

22. IF at the expiration or other sooner determination of the term hereby granted the Lessor shall be desirous of purchasing all or any of the fixed or moveable engines machinery and plant or other articles and things used or employed in or about the carrying on and working of the quarries and which shall have been provided by the Lessees for the purposes of the works hereby authorised and shall signify her desire in that behalf by a notice in writing signed by her or her Agent or other duly authorised person or persons to be given to the Lessees at their office on the said works within one calender month at least before the expiration or sooner determination of the said term or if the said termshall be determined under the power of re-entry herein contained at any time within thirty days after the determination of the said term then and in any such case the said articles and things or such part thereof as the Lessor shall elect to purchase as aforesaid shall be left by the Lessees and taken by the Lessor at a price to be determined by arbitration in case of difference.

23. THE Lessor hereby covenants with the Lessees that the Lessees paying the said rent orroyalty hereby reserved and made payable and observing and performing the covenants stipulations and conditions herein contained and on their part to be observed and performed shall peaceably and quietly hold and enjoy the quarrying rights hereby demised and granted for and during the term hereby granted without any lawful interruption from or by the Lessor or any person rightfully claiming from or under her.

24. THE Lessor hereby also covenants with the Lessees that the Lessees may at any time within two calendar months after the expiration or sooner determination of the said term remove and carry away and convert to their own use all the machinery and plant which shall have been provided by them for the purposes of the works hereby authorised and which the Lessor shall not have purchased or given notice of her intention to purchase under the powers in that behalf hereinbefore given to her.

25. IF the rent or royalty hereby reserved and made payable or any part thereof respectively shall be behind or unpaid for the space of twenty one days next after any of the days whereon the same ought to be paid then and so often as the same shall happen and whether same shall have been legally demanded or not the Lessor may enter into and upon the premises hereby demised or any part of same and may seize and distrain all or any of the stone quarries horses cattle engines machines tools plant implements utensils matters and

things which shall be found in under or upon the same premises and the same may take sell and dispose of the same and apply the produce thereof for or towards the satisfaction and payment and all arrears of rent royalties or dues and also of all expenses incidental to or occasioned by such distress and distresses AND in case any such distress shall not produce a an amount of money sufficient to cover the amount so in arrear and the expenses aforesaid may stop all works and operations which may be carried on in or upon the said demised premises until the rent which shall then remain due and all expenses occasioned by non-payment thereof shall be satisfied PROVIDED ALWAYS that the express powers of entry and distress hereinbefore contained shall be in addition to and not in lieu of any power of distress to which the Lessor may be by law entitled for recovery of the rents or royalties hereby reserved.

26 IF the rents or royalties hereby reserved and made payable or any of them or any part thereof respectively shall be in arrear or unpaid for the space of thirty days next after any of the days whereon the same ought to be paid as aforesaid whether the same shall have been legally or formerly demanded or not or if the lessees shall make default in performing and observing any of the covenants provisions/or conditions contained in this Lease and on their part to be observed and performed or any of them or if the Lessees shall go into liquidation whether voluntary (save for the purpose of amalgamation or reconstruction) or compulsory or if their assigns not being a Company shall become Bankrupts or a Bankrupt or shall enter into any arrangement or composition with or for the benefit for their or his creditors under the Bankruptcy Acts or otherwise or suffer an execution to be levied against their or his goods or property then and in any such case it shall be lawful for the Lessor at any time thereafter and although she may not have taken advantage of some previous default of a like nature into and upon the demised quarries and premises or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as of her former state and thereupon this present Lease or Grant and the liberties licenses and powers hereinbefore granted and every clause and thing herein contained shall absolutely cease determine and become void but without prejudice to any right of action or remedy which shall have accrued to the Lessor in respect of any breach of any of the covenants or provisions herein contained.

27. IF any dispute doubt or difference shall arise between the Lessor and the Lessees concerning the value of the articles and things which the Lessor shall elect to take or retain as aforesaid or the amount to be paid by the Lessor in respect thereof or touching or concerning any clause matter or thing whatsoever herein contained or the operation or construction thereof or any matter or thing in any way connected with these presents or the rights duties or liabilities of either party under or in connection with these presents then and in every such case the dispute or difference shall be referred to the arbitration or decision of two indifferent arbitrators one to be appointed by each party with power in case of difference to call in an Umpire and these presents shall be deemed to be a submission to arbitration within the meaning of the Common Law Procedure Act (Ireland) 1856 and the Rules thereunder or any Statutory modification thereof for the time being in force.

28. AND it is hereby agreed that every notice hereby required or authorised to be given to the Lessor shall be in writing and may be either given to her personally or left at or posted by registered letter to her usual or last known place of abode in the United Kingdom or may be given to her agent or such other person in such manner as the Lessor may

from time to time direct and every notice hereby required or authorised to be given to the Lessees shall be in writingand may be either given to the Manager of the said Quarries or works or may be left at or posted to the Office or Counting House of the Lessees upon the said Quarries or Works.

20. WHERE the context allows the expression " the Lessor" used in these presents includes besides the said Maria Henrietta de Selby the person or persons for the time being and from time to time entitled to the reversion of the premises hereby demised expectant on the term hereby granted and the expression"the Lessees" used in these presents includes besides the said Company their successors and assigns IN WITNESS whereof the parties hereto of the first and second parts have signed their names and affixed their seals and the Bank of Ireland and the de Selby Quarries Company Limited have affixed their seals the day and year first above written.

SIGNED SEALED AND DELIVERED
by the said Maria Henrietta de Selby
in the presence of:-

WILLIAM C ROCHE,
20, Stpehen's Green,
Dublin, Solicitor.

J. W. BROPHY,
Clerk to Messrs.Wm.Roche & Son
Solicitors, 20, St Stephen's Green,
Dublin.

MARIA HENRIETTA de SELBY (Seal)

H. M. G? L. de SELBY (SEAL)

M. M. H. F de SELBY (SEAL)

SIGNED Sealed and delivered by
the said Henrietta Maria Georgina
Luce de Selby in the presence of:-
William C. Roche,
20, St. Stephen's Green,Dublin,Solicitor
J. W. Brophy
Clerk to Messrs. Roche & Sons
20,St. Stephen's Green, Dublin.

SIGNED Sealed and delivered by
the said Margaret Mary Hilda
Fausconberg de Selby in the presence of-

William C. Roche
20,St Stephen's Green,
Dublin, Solicitor.
J. W. Brophy,
Clerk to Messrs. Roche & Sons,
20, St.Stephen's Green,Dublin.

SEALED with the Seal of the de SELBY QUARRIES
COMPANY LIMITED in the presence of:-

J. Malvorn White
Solicitors Apprentice,
24, Eustace Street,
Dublin.

PATRICK WM.CORRIGAN) DIRECTORS
PATRICK J. MOORKS)

J. TIERNEY SECRETARY

SEALED with the Seal of the Bank of Ireland
in the presence of:-

M. M. Lumpier
Secy
Bank of Ireland
J. H. LEET,Asst.Sec.
Bank of Ireland.

BANK OF IRELAND)SEAL)

The Bank may Seal this Lease.
4/11/13 R. L. JOY.

(MAP)

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DATED the 10th day of November 1913

MARIA HENRIETTA DE SELBY 1st Part
HENRIETTA M.G.L.DE SELBY and
MARGARET M.H.F DE SELBY 2nd Part
THE GOVERNOR AND COMPANY OF
THE BANK OF IRELAND 3rd Part

THE DE SELBY QUARRIES COMPANY
LIMITED 4th Part

At the Annual General Meeting of the De Selby Quarries Company Limited held on the 25th March 1946 the following resolution was passed namely

" That the Royalties paid to the Lessors under the Mining
" Lease dated the 10th November 1913 be altered so that the
" Company may pay the Lessors the difference between the
"Royalties earned and £200, this sum being the minimum
" provided that the sales for the year in question are
" 10,000 tons or over"

COPY/

L E A S E

of Quarrying rights.

John L. Scallan & Co.,
Solicitors,
25,Suffolk Street,
Dublin.

APPENDIX 6
APPEAL DECISION AND CONDITIONS SD07A/0409

An Bord Pleanála

PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

South Dublin County

Planning Register Reference Number: SD07A/0409

An Bord Pleanála Reference Number: PL 06S.228842

APPEAL by Bryan and Elaine Joyce of Meadowfield, Mountseskin Road, Saggart, County Dublin and by Colm and Ann Kenny of Lugmore, Saggart, County Dublin and by Roadstone Dublin Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Blanchardstown, Dublin against the decision made on the 26th day of March, 2008 by South Dublin County Council to grant subject to conditions a permission to the said Roadstone Dublin Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25 hectares at De Selby Quarry, in the townlands of Corbally and Lugmore, Tallaght, County Dublin (as revised by further public notice received by the planning authority on the 19th day of February, 2008).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

REASONS AND CONSIDERATIONS

Having regard to the existing pre-1963 quarry on site, the provisions of the Planning and Development Act 2000 and the Quarries and Ancillary Activities Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004, and the setting of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual 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 sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31st day of January, 2008 and by the submission received by An Bord Pleanála on the 28th day of April, 2009, except as may otherwise be required in order to comply with the following conditions.

   Reason: In the interest of clarity.

2. (a) Quarrying activity shall cease at the end of phase one (35 years from the date of this order) as shown on the drawing Phase 1 Site Extraction Plan (drawing number 3364-2009 received by the planning authority on the 31st day of January, 2008), unless further planning permission has been granted.

   (b) Extraction of material shall be restricted to no less than 1.5 metres above the determined water table level at any one point.

   Reason: In the interest of clarity and environmental protection and to allow for review of changes in environmental standards and technology over time.

3. (a) Following the cessation of quarrying operations all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation and all rehabilitation works shall be completed within 60 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours of the adjoining land.

(b) Within three months from the date of this order, the operator shall submit to the planning authority for written agreement, revised proposals, prepared by a suitably qualified person having appropriate experience, for the provision of extensive woodland/forestry planting to screen the proposed quarry excavation and a satisfactory timeframe for the implementation of the scheme. This planting scheme shall be designed to provide a long-term screen for all future phases of quarrying operations at De Selby, particularly in respect of adjoining properties and from the surrounding area in general. The strip of planting along the western side of the proposed quarry extension shall have a minimum width of 30 metres (excluding the areas for proposed bench planting). The planting scheme shall be designed so as to ensure that trees planted close to adjoining farmland shall not cause excessive shading of those lands having regard to the northern orientation of the relevant lands. The agreed scheme shall be implemented to the satisfaction of the planning authority.

Reason: To ensure the satisfactory amelioration of the visual impact of the proposed development in the interest of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on visually prominent lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

4. (a) Within 12 months from the date of this order, a comprehensive hydrological/hydrogeological survey of the entire quarry lands shall be undertaken. The survey shall include no less than four number boreholes to determine the approximate level of the groundwater in the quarry extraction area, both existing and proposed. Details of the survey and proposed mitigation measures to protect ground water resources, in particular wells, shall be submitted to and agreed with the planning authority.

(b) In the event of quarrying activities having an adverse impact on private walls in the vicinity, the quarry operator shall undertake appropriate remedial measures, as agreed with the planning authority, at his own expense and until the water supply has been restored or replaced.

Reason: In the interest of orderly development and to safeguard local amenities.

5. Operating hours for the development shall be restricted to between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1600 hours on Saturdays. The facilities shall not operate outside these hours or on Sundays or bank or public holidays.

Reason: In the interest of residential amenity.

6. Equivalent sound levels attributable to all on-site operations associated with the proposed development (excluding blasting) shall not exceed a level of 55 dB(A) L_{Aeq} (1 hour) between 0800 hours and 2000 hours and 45 dB(A) L_{Aeq} (1 hour) between 2000 hours and 0800 hours when measured at a sensitive receptor in the vicinity of the site. A quarterly noise survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emissions arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location on the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the planning authority for written agreement within three months from the date of this order. Surveys shall be carried out in accordance with the 'Environmental Noise Survey – Guidance Document' 2003 issued by the Environmental Protection Agency or as may be amended from time to time. The results of the quarterly survey and assessment programme shall be submitted to the planning authority quarterly.

Reason: In the interest of residential amenity.

7. Total dust emissions arising from the on-site operations shall not exceed 350 milligrams per metre squared per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter at any position along the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, roads and circulation areas and equipment during periods of dry windy weather to prevent the emission of fugitive dust.

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

8. Blasting operations shall only take place between 1100 hours and 1700 hours, Monday to Friday. Monitoring of the noise and vibration arising out of blasting and the frequency shall be carried out at the operator's expense by an independent contractor agreed with the planning authority. Details of such a monitoring programme shall be submitted to the planning authority for written agreement within three months from the date of this order.

Reason: In the interest of residential amenity.

9. The vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any three mutually orthogonal directions. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. The air overpressure from any blast shall not exceed a value of 125B (Lin) maximum peak.

Reason: In the interest of public safety.

10. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.

Reason: In the interest of public safety.

11. Details including names, function and mobile number of all key personnel responsible for the operation of the quarry shall be provided to the planning authority. All changes in personnel or particulars shall be notified to the planning authority as soon as they occur. The operator shall provide all landowners and occupiers within 500 metres of the quarry lands as delineated by the red coloured line indicated on site location plan drawing number 3364-2001 Issue A received by the planning authority on the 31st day of January 2008, with appropriate contact details which may be used in the event that any such person which to inform of an incident in relation to quarry operations or otherwise make a complaint in respect of such activities. A public notice shall be erected and maintained at the entrance to the quarry. Such notice shall contain the name of the operating company and contact details, including out of hours contact details which may be used in the event that any person wishes to contact the quarry operator with regard to any aspect of quarry activities.

Reason: In the interest of the protecting the residential amenity of landowners and the general public in the area.

12. Access shall be granted to any authorised officer of the planning authority, the Health Service Executive or the Environmental Protection Agency 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 in accordance with this order.

Reason: In the interest of protecting public health and safety.

13. Within three months from the date of this order, the operator shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:

(a) Proposals for the suppression of on-site noise (in order to comply with conditions set out in this permission).

(b) Proposals for the on-going monitoring of sound emissions at dwellings to be agreed with the planning authority.

(c) Proposals for the suppression of dust on site and on the access road.

(d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

(e) Details of safety measures for the land above the proposed development, to include warning signs and stock-proof fencing (works shall be carried out within one month of the written agreement of the planning authority in accordance with these details).

(f) Management of all landscaping, with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.

(g) Monitoring of ground and surface water quality, levels and discharges.

The operator shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring and groundwater monitoring, details of such information shall be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.

Reason: In the interest of orderly development and to safeguard local amenities.

14. A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to the planning authority for written agreement within three months from the date of this order. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority with the annual environmental audit. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: In the interest of protecting the residential amenity of adjoining landowners.

15. On an annual basis, for the lifetime of the facility (within three months from each year end), the operator shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the operator and made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority. This report shall contain:

(a) An annual topographical survey carried out by an independent qualified surveyor approved by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.

(b) A record of groundwater levels measured at monthly intervals.

(c) A full record of all results over the previous year for noise, dust, and water quality monitoring.

(d) A written record of all complaints, including actions taken on each complaint.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

16. During the next breeding season (September to February), a breeding bird survey shall be carried out on site. Details in this regard shall be submitted to the planning authority in consultation with the National Parks and Wildlife Services for written agreement of mitigation measures.

Reason: In the interest of protecting the biodiversity of the area.

17. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

18. Settlement ponds shall be regularly cleaned out by the operator to the satisfaction of the planning authority for the efficient operation of the ponds in an environmentally acceptable manner. Appropriate measures shall be put in place to prevent silt leaving the site in any drain or watercourse during the cleaning process. Silt removed from the settlement ponds shall be periodically covered with topsoil and seeded with grass to prevent subsequent dispersal.

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

19. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheelwashing facility which shall be operated in accordance with the requirements of the planning authority.

Reason: In the interest of the amenities of the area and of traffic safety and convenience.

20. All waste material shall be stored and disposed of in accordance with the requirements of the planning authority.

Reason: To safeguard the amenities of the area.

21. Fuel supplies and other services on-site shall be used only to service vehicles and machinery directly involved in the extraction of aggregate within the development site, the product of that aggregate on site, and the transport of those materials and products.

Reason: In the interest of orderly development.

22. All over ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including storm water, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

23. Within three months from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion and restoration of the planting and other landscaping of the site as required by condition number 3 of this order, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or restoration of any part of the planting/landscaping. The security to be lodged shall be, as follows-

(a) An approved insurance company bond in the sum of €140,000 (one hundred and forty thousand euro), or

(b) a cash sum of €140,000 (one hundred and forty thousand euro) to be applied by the planning authority at its absolute discretion if such completion/restoration is not provided to its satisfaction, or

(c) a letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

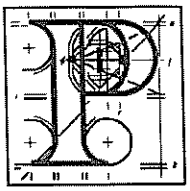
Reason: To ensure the satisfactory completion and restoration of planting/landscaping.

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

Dated this day of 2009.

An Bord Pleanala Ref.: PL06S.228842

An Bord Pleanála



Inspector's Report

Development:	Continuation of Quarrying at De Selby Quarry, Townland of Corbally and Lugmore, Tallaght, Co. Dublin.

Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg. Ref.:	SD07A/0409
Applicant:	Roadstone Dublin Ltd.
Type of Application:	Permission
Planning Authority Decision:	Grant

Planning Appeal

Appellant(s):	
First Party:	Roadstone Dublin Ltd.
Third Party:	Bryan & Elaine Joyce
	Colm Kenny
Type of Appeal:	First and Third Party
Date of Site Inspection:	14/08/08
Inspector:	Gillian Kane

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1.0 SITE LOCATION AND DESCRIPTION

The subject quarry is located on Tallaght Hill in the townland of Lugmore, on the eastern side of Mount Seskin Road. The Mount Seskin Road runs from the N81 at Jobstown Tallaght to Brittas Village. The road is relatively narrow and winding and rises as one travels southwards. The quarry is approx. 1km from the junction with the N81 and 4km north of Brittas Village. The overall area is elevated and predominantly agricultural.

The topography of the quarry follows that of Tallaght Hill, starting approximately at the 218m contour line and rising southwards to a high point at the 324m contour line. The existing quarry on site is accessed via a private road off the Mount Seskin Road, with a recessed entrance gate adjoining a private dwelling. The site occupies approx. 31.25ha, of which a portion has been the subject of extraction resulting in steep exposed rock face on the east, west and south. The current quarry area has a height of approx 320m and has two floors: a ground level of 236m at the lower point and 270m at a higher level. On the quarry floor (approx 240mOD) are a single storey double height warehouse currently in use for ancillary services such as WC, kitchen etc, a temporary WC, a number of inactive quarry machines, and large mounds of deposit. A single laneway inside the entrance gate leads to the property of a private residence. Two walking tracks traverse the site: to the north and south. The northern track leads to a plateau, adjoining which a gate leads to the residential properties on Lugmore Lane. The second, southern walking track is enclosed by a number of agricultural gates and a post and wire fence.

The remainder of the site is elevated scrubland or wide expanses of steeply sloping pasture land. Documentation submitted with the application show 2 no. derelict buildings on site, these were not inspected on the date of site inspection due to poor access. The overall lands are bound on all sides by agricultural land and a number of residential properties. To the north of the quarry lands, Lugmore Lane an unsurfaced, narrow and very steep laneway leads to three residential properties. The river Dodder is approx. 5 km north of the subject site.

2.0 PROPOSED DEVELOPMENT

On the 01/06/07 permission was sought for the continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25ha. Extracted area amounts to 19.4 hectares and extension is to be undertaken to the south of the existing quarry floor, along the eastern and southern boundaries. Extraction is proposed over 7 phases to a finished floor level of 236m OD. A series of excavated quarry benches (approx 18-20m high) will rise from the quarry floor to 255mOD. Quarry hours are proposed as 07.00 to 18.00 Monday to Saturday.

2.1 Additional information

was requested on 24/07/07 regarding the following:

1) alternative options for design and phasing, 2) digital terrain model of lands 3) tree / hedgerow survey, 4) revised landscape master plan / restoration plan, 5) clarification of noise monitoring locations, 6), 7) and 8) details of revised site entrance, storm water disposal, public road works, foul drainage and surface water systems. 9) demonstration that development will not affect existing spring fed wells. 10) revised non-technical summary.

A response to this request was received on 31/01/08. In relation to item 1 the phasing and extraction plan was revised to provide for the quarry footprint to extend southwards gradually as follows:

Phase 1: 35 years

Construction of a new site entrance and access road, extraction of existing quarry floor from 240mOD to 236mOD, insertion of a sump at 234mOD, 2 no. bunded fuel tanks, 5 bay truck parking standing, settlement lagoon, percolation area and wheel wash. It is noted that the EIS states that no new permanent buildings will be erected as part of the application. However, drawing no. 364-2009 (proposed phase 1 plan) shows a garage / workshop / toilet building with domestic foul treatment system adjoining the new access road.

Phase 2: 74 years

Southwards extraction of quarry floor to 236mOD with creation of new northern facing benches at 15m intervals from 240 to 310mOD.

Phase 3: 97 years

Southwards extraction of quarry floor to 236mOD with the creation of new northern facing benches at 18-20m intervals up to 335mOD.

Phase 4: 26 years

Westward extraction to 216mOD

2.2 Technical Reports on File

2.2.1 Roads Department:

Additional information requested regarding site entrance, storm water and gradient of public road. Following submission of additional information: Additional information submitted is satisfactory. Condition requiring compliance details should be attached.

2.2.2 Environmental Services:

Additional information requested regarding foul drainage, surface water and water supply. Following additional information response: No objection. Surface water drainage drawings to be submitted for approval prior to commencement of remediation works.

2.2.3 Environmental Health Officer

Recommended conditions regarding noise, dust, vibration, monitoring data and communication.

2.2.4 Parks Department

Additional information requested regarding earthern berms, landscape treatments, bench heights, time frames, breeding bird survey, and tree / hedgerow survey.

3.0 ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS was submitted with the application. It has been prepared using the grouped format whereby impacts and mitigation measures are presented on a topic by topic basis in each chapter. As noted above the phasing and extraction plan of the proposed development was revised following a request for additional information. The original proposal provided for the extraction of the quarry over seven phases, the revised proposal provides for 4 phases to cover a total of 232 years. It is noted that the omission of details regarding the area and volume of material to be extracted is noted in the planning report but not raised in the request for additional information. I note the reference to 19.4ha as the area of extraction in both the original and revised proposal and so must assume that notwithstanding the revised design and phasing plan, the same area of quarry is to be subject to excavation. I can find no details however, relating to the volume of material to be excavated. I am satisfied that the EIS as submitted contains all of the general information and chapters as statutorily required under the relevant legislation. However, it is considered that there are a number of issues which need further clarification. This is discussed in greater detail below.

4.0 PLANNING AUTHORITY DECISION

On the 26th of March 2008 a notification of a decision to GRANT planning permission subject to 30 no. conditions issued. The following conditions are of note (summarised for convenience):

1 The quarry shall not cause nuisance by virtue of emissions that are so prolonged or of such frequency as to cause justifiable complaint,

2 extraction shall be limited to phase 1. written consent shall be required for further extraction,

3 quarrying operations other than blasting shall be carried out between 07.00 and 18.00 Monday to Friday inclusive and 07.00 and 14.00 on Saturdays,

4(c) a quarterly noise survey shall be undertaken, monitoring carried out from three sampling points one of which shall be at a noise sensitive receptor. The scope and methodology of the survey shall be submitted to the Planning Authority within 3 no. months.

5(e) details of a monitoring programme undertaken at three points assessing the impact of quarry blasts shall be submitted to the

Planning Authority within three months. An annual review shall be submitted to the Planning Authority within two weeks of completion.

6(c) a monthly survey and monitoring programme of dust shall be undertaken, details of which shall be submitted to the Planning Authority within three months. An annual review shall be submitted to the Planning Authority within two weeks of completion.

8(b) landowners and occupiers within 500m of the quarry shall be provided with contact details which may be used to report an incident or make a complaint.

10 Every five years a digital terrain model of the entire lands shall be submitted to the Planning Authority

11 An environmental audit shall be completed annually

21(a) A groundwater level monitoring programme shall record levels monthly and submit a quarterly report to the Planning Authority.

21(b) A hydrological/ hydrogeological report shall be prepared within 6 months

21(c) In the event of disruption to water supply, quarrying activity shall cease until the water supply has been restored.

27 restoration works to be undertaken within 36 months of date of cessation.

5.0 PLANNING HISTORY

The De Selby quarry was registered in accordance with section 261 of the Planning and Development Act 2000 on April 22nd 2005 (SDQU05A/3). South Dublin County Council required the submission of a planning application and EIS in respect of the proposed development, which forms the subject appeal.

An enforcement file (Enf.1782) relating to activity at the quarry is closed.

6.0 DEVELOPMENT PLAN

The subject site is located in South Dublin County area and as such is governed by the South Dublin County Development Plan 2004-2010. Within same, the subject site is zoned **Objective H** which has the stated objective to protect and enhance the outstanding natural character of the Dublin Mountain

Area. industry – Extractive uses are 'open for consideration' in H zones. The following policies of the Development Plan are relevant:

Policy 2.3.17 Extractive Industry: It is the policy of the Council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality. This policy states that the Council recognise the importance of the extractive industry however also recognises that such industry can have severely damaging environmental effects and permission will only be granted where the Council are satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water will be protected. All development proposals must make provision for the reinstatement of the landscape.

Section 12.3.4 outlines the Councils development control standards for the extractive industry. **Paragraph 12.3.4.i** states that the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network and its effect on the environment. **Paragraph 12.3.4.ii** states that applications must be accompanied by an EIS and a landscaping plan indicating a screening plan for the operational life of the site and set out a reinstatement programme. **Paragraph 12.3.4.iii**: the Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, April 2004 published by the *Department of Environment Heritage and Local Government*

In relation to the landscape classification of the site (Dublin Mountain 'H') **section 9.3** of the plan recognises the need to balance the need for development and protecting the area. Tallaght Hill is noted in **section 13.5.1** as a prospect to be preserved as seen from viewing points at Blessington Road, Naas Road and Garter Lane in Saggart.

Policy EE17 states that it is the policy of the Council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality.

7.0 NATIONAL POLICY

Quarries and Ancillary Activities Guidelines for Planning Authorities.

The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. It also gives guidance on the implementation of section 261 of the Planning and Development Act, 2000 as it relates to the registration of existing quarrying operations and gives guidance on the attachment of conditions to such operations and the entitlement of the applicant to compensation in such circumstances.

Chapter 3 refers to the environmental implications and outlines the range of potential environmental effects caused by quarries which need to be considered. The principal environmental impacts are listed as: noise and vibration, dust deposition / air quality, water supplies and ground water, natural heritage, landscape, traffic, cultural heritage and waste management.

Section 3.10 refers to the use of Environmental management systems (EMS), a form of environmental monitoring, which should be considered as best practice for the environmental management of quarries. Part B Chapter 5 relates to Implementation of Section 261 of the 2000 Act including in section 5.7 the requirements in relation to sites of in excess of 5 hectares to apply for planning permission and to submit an EIS and for the development to be assessed similarly to other applications but having regard to its current use as a quarry.

8.0 GROUNDS OF APPEAL

8.1 First Party Appeal

The first party appeal is against condition no.s 3, 4(c), 5(e), 6(c), 8(a), 21(b), 21(c) and 27(a). The grounds of the appeal can be summarised as follows:

8.1.1 Condition no. 3:

Quarrying operations other than blasting shall only be carried out between 07.00 and 18.00 hours Monday to Friday inclusive and between 07.00 and

14.00 on Saturdays. No such activity shall take place outside these hours or on Sundays or public holidays.

The current hours of quarrying are 07.00 to 18.00 Monday to Saturday. Roadstone wish to retain the ability to continue operations until 18.00 on Saturday. The Quarry guidelines recommend working hours recommend the hours stated in the condition to protect the amenities of neighbouring residential properties. Roadstone have not received complaints about hours of operation and would therefore contest that the current working hours are not impacting upon local residences. The guidelines state that flexibility in operating hours can be agreed.

8.1.2 Condition no. 4(c)

A quarterly survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emission arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location at the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the Planning Authority for its written agreement within three months of the date of this decision. Surveys shall be carried out in accordance with the EPA's "Environmental Noise Survey – Guidance Document" 2003 or as may be amended from time to time. The results obtained from the assessment programme shall be submitted quarterly for the written agreement of the Planning Authority. The operator shall carry out any amendments to the programme required by the Planning Authority following this quarterly review.

Roadstone wish to appeal the requirement to have one of the sampling points at the site boundary. The EPA guidelines recommend noise levels, measured at noise sensitive receptors. Roadstone undertake to carry out a noise monitoring programme in line with the EPA guidelines.

8.1.3 Condition no. 5(e)

A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a

noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the Planning Authority within two weeks of its completion for its written agreement. The operator shall carry out any amendments to the programme required by the Planning Authority following this annual review.

Roadstone wish to appeal the requirement to have the review within two weeks of its completion. Roadstone contest that this is unreasonable and submit that two months is more reasonable. This would be more consistent with the submission of the environmental audit required by condition no. 11.

8.1.4 Condition no. 6(c)

A monthly survey and monitoring programme of dust shall be undertaken by a suitably qualified person having appropriate experience to provide for compliance with the above limits. Details of this programme, including the location of dust monitoring stations, shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision. This programme shall include an annual review of all dust monitoring data, to be prepared by a suitably qualified person having appropriate experience, the results of which shall be submitted to the Planning Authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the Planning Authority following this annual review.

Roadstone wish to appeal the imposition of a monthly programme and the deadline for submission of the review. There are no current guidelines relating to the frequency of dust monitoring. A programme of dust monitoring is undertaken twice a year, in line with the Roadstone Environmental Management Policy and the Irish Concrete Federation (ICF) Environmental Code. Results of dust monitoring in the EIS were below the TA Luft total dust deposition limit value. Mitigation measures undertaken by Roadstone include vegetating screening berms, spraying of the quarry face and internal haul roads, location of a mobile stone processing plant on the quarry floor, minimising drop heights of material, maintenance of plant and machinery and cleaning of entrance area. The results show the effectiveness of these measures. A monthly programme is onerous.

Roadstone submit that two weeks is an unreasonable deadline for the submission of results and two months is more reasonable. This is consistent with condition no. 11.

8.1.5 *Condition no. 8(a)*

The names, jobs functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the operation of the quarry shall be provided to South Dublin County Council. All changes in personnel or particulars must also be notified to the Council as soon as they occur.

Roadstone wish to provide an out of hours manned phone instead of mobile numbers.

8.1.6 *Condition no. 21(b) and (c)*

(b) Within six months of the date of this decision a hydrological / hydrogeological report in respect of the quarry lands prepared by a suitably qualified person having appropriate experience, shall be submitted to the Planning Authority. The report shall detail all measures proposed to be taken to protect groundwater resources and in particular any spring-fed or other wells in the vicinity of the quarry lands. The report shall have regard to all relevant requirements arising under the Water Framework Directive.

(c) In the event of quarrying activities having an adverse impact on private wells in the vicinity, the quarry operator shall undertake appropriate remedial measures as agreed with the Planning Authority at his own expense. In the event of any disruption of water supplies the operator shall cease any operations causing such disruption until the water supply has been restored or replaced.

Roadstone wish to appeal the requirement to produce a hydrological / hydrogeological report and the requirement to cease operations in the event of a disruption of water supplies. The EIS that accompanied the application set out mitigation measures to ensure the protection of ground water. The ground water table will not be intercepted until phase 4. Sufficient detailed information has been submitted to demonstrate that ground water will not be affected.

The requirement to cease operations should be removed. A similar condition was attached by An Bord Pleanala on a quarry in Wicklow.

8.1.7 *Condition no 27(a)*

Following the cessation of quarrying operations all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation and all rehabilitation works shall be completed within 36 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours of the adjoining land.

Roadstone contend that 36 months for rehabilitation works is overly restrictive and request that 60 months be allowed. The requirement to rehabilitate the entire surface area by land shaping is overly onerous and undesirable. The EIS provides that quarry faces will be dressed with soil and seeded / planted and the final quarry floor will be covered with 1 metre of soil and seeded / planted.

8.2 Third Party appeal by Colm and Ann Kenny

The appeal submitted by the Kenny's is extremely lengthy and contains supporting documentation in the form of a history of the site, photographs, aerial photographs, excerpts of Development Plans, the EIS and planning acts, correspondence with the Council, the First Party, Gardai and political organisations and submissions on previous planning matters. The grounds of appeal relating to the subject application can be summarised as follows:

- We share a boundary in excess of 900m on the eastern side of the quarry.
- The quarry ceased in 1981 and operations recommenced in 1997 (photographs and OS maps to support this submitted). Roadstone did not object our planning application in 1987 as they were closed but did object to two applications in 2000.
- Our main issues of concern are the severe nuisance and intrusion caused by noise, dust, blasting vibration, fencing, security, traffic hazard ad water. The EMS does not correlate to day to day activities. The issue of illegal dumping has not been addressed.
- No details of extraction rate have been submitted. In the previous 12 years approx. 607,500 tonnes has been extracted which equates to 1,000 ton per week. The enormity and life span of the proposal is unacceptable.

- We request a buffer zone of 60-80m between the extracted area and the boundary fence. This buffer zone should include an earthern berm of 10m high grassed and planted with native trees. All landscaping and ameliorating measures should be undertaken prior to planning permission or phase 1.
- The noise of the rock breaker and the mobile crusher could be eliminated by the construction of a gravity fed fixed crusher at 210mOD in a structurally sound proofed building. This was the method prior to 1981. This would reduce noise pollution and the need to move the heavy mobile processing plant.
- The Mount Seskin road is operating over capacity and there is no footpath or public lighting on this twisty hill road. The proposed entrance will create a traffic hazard.
- Currently flyrock is hurled for 150m. The amount and design of blasting must be reduced. The use of bluetack, putty or sandbags at sampling points should be prohibited.
- No cognisance has been made of our spring well water supply which supplies three families. There is no alternative supply. The well is located at 340mOD and 124m higher than the proposed quarry floor. The proposed excavation will dewater our well and aquifer.
- The proposal contravenes the policies of the County Development Plan. The proposal will have a significant negative visual impact.
- The restoration plan has no value due to the proposed life of the quarry.
- Acoustic berms and screen planting were proposed in the EIS but not shown in the application. The mitigation measures regarding the ravens and falcons did not form part of a condition.
- The reduction in demand for aggregates plus the existence of 4 no. substantial quarries in the vicinity of the site reduces the need for quarrying.

8.3 **Third Party appeal by Brian and Elaine Joyce**

The grounds of the appeal can be summarised as follows:

- The application and EIS does not protect Tallaght Hill from severe environmental damage, it does not protect residential and natural amenities, aquifers and ground water.
- The applicant did not carry out a detailed assessment of groundwater resources. The well and resource supplying water to my house were not acknowledged. This is a serious omission. A large part of the surface water catchment contributing recharge is underlain by the proposed extension to the quarry. (Considerable detail is given regarding the well and soil / geology of the area). I note that section 7.2.2 of the EIS does not describe the manner by which groundwater will move through the bedrock. The statement of the EIS regarding groundwater flow is misleading and not useful. The applicants have not made any attempt to determine site specifics. If the water table slopes south, the proposed extension of the quarry to the south will hit the water table. One sampling point and one date of measurement stretches credibility. The EIS omits any details of the Quarry's own water resources and whether sufficient supplies are available to adequately cater for dust suppression.
- Phase 4 will remove about 50% of the catchment area for my well. Intermediate phases will remove the overburden aquifer and the upper bedrock and therefore a significant impact will occur during phase 2. The excavation of the quarry and the associated dewatering will be like having a large deep wide pumping well right next to my property.
- The applicants cannot replace the existing well. Any deeper pumping of water will have a different chemistry and quality.
- The Bord should limit the permission to a shorter term and a site limited to the existing footprint.
- There are serious deficiencies in the quarry registration application (SDQU05A/03) with regard to land ownership.
- The EIS does not highlight the difference between the N81 and the Mount Seskin Road. The Mount Seskin road has a 3 tonne weight limit and no footpaths or street lighting. There are many narrow pinch points. The road is not wide enough to accommodate HGV's without crossing the solid white line or driving off tarmac. A detailed survey of the road should have been submitted.

- The blast monitoring programme should have been submitted prior to the granting of permission. The Council should decide the location of monitoring points.
- No aspect of this quarry will enhance the outstanding natural character of the Dublin Mountain area.

9.0 RESPONSES

9.1 Planning Authority Response to the First Party Appeal

- Condition no 3: The Planning Authority is satisfied that the conditioned opening hours are reasonable having regard to the proximity of the quarry to residential properties.
- Condition no. 4: the omission of a sampling point is acceptable. The condition should be amended to read: "the operator shall carry out any amendments to the programme required by the Planning Authority at any time."
- Condition no. 5(e): The request to allow two months for preparation of the annual review is acceptable. The condition should be amended to read: "The operator shall carry out any amendments to the programme required by the Planning Authority at any time."
- Condition no. 6(c): Dust monitoring should be carried out on a continual basis. The results of this monitoring should be submitted quarterly. There is no objection to allowing two months for the submission of the annual review.
- Condition no. 8(a): This is acceptable. A staffed out of hours phone is an acceptable alternative to a mobile phone.
- Condition no. 21: The Planning Authority is satisfied that paragraph (b) is reasonable having regard to concerns of neighbouring landowners in relation to inadequate investigation of the impact of the quarry on spring-fed wells. The Planning Authority is satisfied that paragraph (c) is reasonable having regard to the guidance outlined in paragraph 4.7(g) of the Quarry Guidelines and the requirement to safeguard groundwater quality in accordance with the Water Framework Directive.
- Condition no. 27(a): The Planning Authority has no objection to this condition being amended as requested.

9.2 Planning Authority Response to the Third Party Appeal of Brian & Elaine Joyce

- With regard to the request that blast monitoring points should be decided by the Council prior to planning permission being granted, any specification of monitoring points would be restrictive and would not allow the flexibility to change monitoring points to meet changing needs.

9.3 First Party Response To Third Party Appeals

9.3.1 Response to Appeal by Mr. Joyce:

- Roadstone are aware of the potential damaging effects of an unmanaged quarry and as such have proposed significant mitigation measures
- A detailed phased restoration plan has been proposed to reduce the extent of the quarry footprint and provide for extension of the quarry over the lifetime of the quarry. The extension southwards will allow screen planting to become effective before the extraction area reaches the southern part of the site. The landscaping proposed for the site was designed to reflect the zoning objective of the area.
- Ground water levels within and surrounding the quarry will be monitored routinely – this will include the spring that supplies the Joyce residence. Extraction at the quarry will not impact the water table until phase 4, a pumping test will be carried out and wells will be monitored to assess the impact. If activities are found to have impacted the water supply, the applicant will take responsibility for improvement of the water supply or the provision of a new water supply. Condition no. 21 attached to the grant of permission relates to ground water protection.
- The area covered by the planning application is in the ownership of CRH (Cement Roadstone Holdings).
- Mitigation measures have been proposed in related to traffic and the Mountseskin Road. The road has been used safely by the quarry since 1913. The NRA proposed N81 Tallaght Bypass extension will intersect with the Mountseskin Road north of the existing quarry. This will allow traffic from the quarry to join the new N81 and not have to travel along the Mountseskin Road.
- The blast vibration limits will be kept within the limits recommended in the Guidelines for Planning Authorities. Blasting vibration should not exceed a

peak particle velocity (ppv) of 12mm/sec at the nearest occupied dwelling when blasting occurs once per week. When blasting occurs more than once a week, the ppv should be 8mm/sec. Blasting should not exceed an air overpressure of 125dB (Lin) max peak with a 95% confidence limit. When new areas of quarry are being blasted, monitoring can be carried out at a number of sensitive properties. All blasts will be recorded with up to date calibrated instruments. Ground vibration control is based on reducing the weight of explosives detonated per delay. A minimum time of 8 seconds should exist between each delay.

- All of the issue raised have been addressed in the planning application documentation, the accompanying EIS and the response to the request for further information.

9.3.2 Response to appeal by Colm and Ann Kenny:

- The quarry has been in operation since 1913 and has not been abandoned.
- All of the issues raised in the appeal were addressed in the EIS and the response to the further information request.
- Noise: the noise levels recorded from the existing quarry are less than recommended limits (<55dBA) at the nearest occupied house to the west, south-west and east of the quarry. Maximum noise emission will occur with future extraction at higher levels but this is predicted to be no more than 51dBA at the nearest residence. All major noise sources will remain on the quarry floor while an acoustic berm will ameliorate any drilling activity on the higher benches.
- Dust: dust levels recorded at the quarry between 2004 and 2006 were below the recommended threshold limits. It is anticipated that the continued implementation of the appropriate mitigation measures will ensure dust emissions are within the recommended limits. Best practice guidelines are implemented at the quarry.
- Blasting: The blast vibration limits will be kept within the limits recommended in the Guidelines for Planning Authorities. Blasting vibration should not exceed a peak particle velocity (ppv) of 12mm/sec at the nearest occupied dwelling when blasting occurs once per week. When blasting occurs more than once a week, the ppv should be 8mm/sec. Blasting should not exceed an air overpressure of 125dB (Lin) max peak

with a 95% confidence limit. When new areas of quarry are being blasted, monitoring cab be carried out at a number of sensitive properties. All blasts will be recorded with up to date calibrated instruments. Ground vibration control is based on reducing the weight of explosives detonated per delay. A minimum time of 8 seconds should exist between each delay.

- Fencing: Existing site security measures will be extended including fencing, warning signs and inspections of site security. Routine visits from the Health and Safety Authority will occur.
- Traffic: Mitigation measures have been proposed in related to traffic and the Mountseskin Road. The road has been used safely by the quarry since 1913. The NRA proposed N81 Tallaght Bypass extension will intersect with the Mountseskin Road north of the existing quarry. This will allow traffic from the quarry to join the new N81 and not have to travel along the Mountseskin Road.
- Water: Ground water levels within and surrounding the quarry will be monitored routinely – this will include the spring that supplies the Kenny residence . Extraction at the quarry will not impact the water table until phase 4, a pumping test will be carried out and wells will be monitored to assess the impact. If activities are found to have impacted the water supply, the applicant will take responsibility for improvement of the water supply or the provision of a new water supply. Condition no. 21 attached to the grant of permission relates to ground water protection. Roadstone are prepared to accept condition no. 21(b) to allay any fears in relation to groundwater.
- Roadstone has never been ordered by an EHO to cease quarry operations at the De Selby quarry.
- A number of incidences of illegal dumping have been recorded and measures have been put in place to improve fencing and site security.
- Extraction Rate: the proposed phasing plan was included in the response to the request for further information and in the section 261 registration form – 5 tipper trucks leaving the quarry per hour.
- Landscaping and Visual Impact: Roadstone are aware of the potential damaging effects of an unmanaged quarry and as such have proposed significant mitigation measures A detailed phased restoration plan has been proposed to reduce the extent of the quarry footprint and provide for

extension of the quarry over the lifetime of the quarry. The extension southwards will allow screen planting to become effective before the extraction area reaches the southern part of the site. The landscaping proposed for the site was designed to reflect the zoning objective of the area.

- Buffer Zone: the extraction plan shows a buffer zone of approx. 132m between the nearest point of activity and Mr Kenny's house. The existing footprint of the quarry will not be extended any further under this application. Planting has been proposed at boundaries to reduce impacts on nearby amenities.
- Flyrock and Blasting: The blast management system includes face profiling before every blast. Groundbourne vibration and air overpressure are minimised and within recommended guidelines. All monitoring is carried out in accordance with guidelines. All equipment is calibrated and used by independently accredited members of staff. Condition no 5 will be complied with.
- New Quarry Entrance: A new entrance provides a dwell area for traffic to exit safely and increased sight lines.
- Restoration Plan: There are detailed proposals for the gradual and phased restoration of the quarry as the excavation plan moves south. This will minimise the overall visual impact.
- Tree Hedge Row Survey: A tree survey was submitted as item 3 of the response to the request for further information.
- Ravens / Peregrine Falcons: Continuation of quarry may remove existing raven and falcon nesting sites. Mitigation measures are proposed in chapter 5 of the EIS.
- Commercial Need: The commercial need for the continuation of activities at the quarry is supported by national and local development plans and guidelines.
- Overall Need: Dolerite, the rock at the quarry was used for the construction of the two LUAS lines. Extensions to the existing lines will probably source the required ballast from the quarry. De Selby quarry is a valuable source of good quality aggregate and is in close proximity to Dublin City. This lessens road traffic and associated impacts. The quarry strengthens the local economy through job provisions and associated spending

- The issues raised by Colm and Ann Kenny have been addressed in the planning application, the accompanying EIS and the response to further information. The development will not adversely affect residential amenity, will not result in noise, dust, blasting vibration, security water or traffic hazards and will be consistent with the proper planning and development of the area.

9.4 Third Party Response to First Party Appeal

The response of Bryan and Elaine Kenny to the first party appeal can be summarised as follows:

- Condition no. 3 gives a welcome respite to residents and must not be amended.
- Condition no 4 requires noise monitoring. The appeal against one the sampling points will result in an inaccurate and incomplete assessment of field noise levels.
- The monthly dust survey (condition no. 6) is very important and will give an accurate picture of dust problems. Data should be collected over the driest months of the year. The six-monthly programme sought by RDL would not reflect the serious problem. The mitigation measures proposed by RDL include vegetating screening berms. This does not eliminate the dust generated by the quarry. It is a mistake not to construct earthern berms. The quarry has two drilled wells at the north western end of the extraction area. The recharge rate of these wells is poor and insufficient to supply the volume of water needed to suppress dust at the wheel washer, crushing plant, screening plant, haul roads, sprinkle systems, WC's, power washers etc. The GSI identify the aquifer as "highly vulnerable" and "poor". The dust problem is serious and An Bord Pleanala should impose the strictest conditions.
- Condition no 21: RDL claim that the ground water table will not be intercepted until phase 4. However, the EIS submitted with the application omits details of three domestic wells at 227.42m OD on lands adjoining quarry lands. Therefore the hydrological / hydro geological report is not accurate. An Bord Pleanala should not delete paragraph (b) of the condition.
- Condition no 21. RDL have appealed paragraph (c) of condition 21 as being overly restrictive and cite previous Bord decisions. The example

and therefore a risk to the Liffey Water works and the catchment area for the Poulaphoca Reservoir. The excessive noise and dust from the HGV's and explosives would be environmentally unacceptable to local residents.

10.3 An Taisce

An Bord Pleanala must determine if the application is valid. The applicant has stated that the quarry was abandoned in 1981 and operations recommenced in the late 1990's. The application must be treated de novo. If unauthorised extraction has occurred compliance with the Regulations applies. We consider that the description of development is inaccurate, unauthorised quarry use was initiated on an abandoned site where pre-63 status has lapsed. The application should be declared invalid. Section 142 of the Planning and Development Act 2000 would not resolve this issue as it does not cover an unauthorised use and does not facilitate the higher fee required in retention permissions. South Dublin County Council have acted ultra vires in registering the quarry as no planning permission for quarrying had been granted. We refer An Bord Pleanala to a finding that there is no basis in section 261 for the registration of a quarry that commenced operation post October 1 1964 and does not have the benefit of planning permission (Harrington Quarry at Stripe, Co. Mayo). South Dublin County Council issued a warning notice, however no action was taken and unauthorised development was allowed to continue. A number of planning applications were granted in the area on the basis that there was no active or permitted quarry in the area.

10.4 Gerard and Patricia Keenan

This quarry has ceased operations and can be seen on OS maps as a disused quarry. The greatest level of visual impact will be from our location. The Councils has granted permission for a development ignoring its own development plan policies and objectives: section 13.5, 13.9, 12.3.4, 9.5 and 12.1. The proposal has major implications for the whole of County Dublin.

10.5 Joseph Nixon

I fear that if quarrying continues there will be a landslide and my house is directly in line. I also fear that water supply will be affected if quarrying goes below the water line. There is no other supply at this height.

10.6 Tom and Kathleen Joyce

My house and land are very close to the quarry and therefore subject to blast vibrations, dust and noise. I am concerned that permission was granted prior to a full hydrological / hydrogeological report being completed. Any alternative water supply will not be of the same quality as the quarry well is beside a dump.

11.0 ASSESSMENT

A number of issues were raised in both the first and third party appeals. For ease of reading and to address similar issues, topics are grouped together. Where a third party or other issue relates to a condition appealed by the first party, these are dealt with together. Having inspected the site and reviewed the file documents including the EIS and the response to additional information, I consider that the issues raised by this appeal can be assessed under the following headings:

11.1 Principle of Development

The DoEHLG Guidelines on *Quarries and Ancillary Activities Guidelines for Planning Authorities* refer to the economic importance of quarries and there is a presumption in favour of extractive development in suitable circumstances. The principle of the development is, I consider, acceptable within the overall provisions of the development plan as outlined above.

An Taisce and a number of the third parties claim that the quarry on site was 'abandoned' between 1980 and 1991 approximately. The applicant states that the quarry has been in operation since 1913 and in the ownership of Roadstone since 1955. The applicant states that the quarry has not been abandoned. It would appear from the considerable volume of documentation submitted, that activities on site ceased for some period during the 1980's and 1990's. However I am not in a position to declare that the quarry was abandoned. According to Kildare County Council v Goode abandonment is the objective sign of a decision not to continue with development. The mere suspension of development has been held not to amount to abandonment. Intention to resume the development is one of the factors determining whether a use was abandoned. The statements of the first party are that the

quarry was never abandoned and that they refute the allegation of abandonment.

Ultimately the issue is not relevant in the subject case, as the Planning Authority have registered the quarry under section 261 of the Act and therefore the quarry has been accepted as an established use. In addition section 261(7)(c) of the Planning and Development Act 2000 states that the Board must " have regard to the existing use of the land as a quarry".

The Harrington quarry case raised as a comparable by An Taisce differs from the subject case for two reasons: the quarry commenced operation post 1964 and did not have the benefit of planning permission and so could not be registered under section 261. This does not compare to the De Selby quarry which was in operation as a quarry pre 1963. The second reason is that in the Harrington quarry case the appeal was against the registration of the quarry – not a subsequent planning application. Where a planning authority decides by virtue of section 261(7)(a) that a planning application and EIS must be submitted following the registration of a quarry, there is no third party appeal right against the registration of the quarry – only against the planning application under section 37.

I am satisfied that the subject appeal is valid and can be assessed by the Board.

11.2 Proposed Development

In chapter 2 of the EIS the operation of the proposed development is described as the future operation of the existing quarry and the completion of quarry works, no permanent buildings are proposed and the quarry is to extend over 7 no. phases. Permission is sought for landscape berms, an access road, and operating hours of 07.00 to 18.00 Monday to Saturday. Employment, site security and traffic control are described. In relation to the working method of the quarry a blast management plan is described.

I note the omission of existing or proposed extraction rates from any documentation submitted with the application, the EIS and the response to further information. I note that chapter 4 of the EIS states that the proposed quarry will operate at or below the present rate of extraction. However without

the facts regarding the present rate, this statement is essentially invalid. Section 10.3.1 states that a "short term increase in the rate of extraction of up to 10% may occur as a result of a significant increase in market demand". I consider this discrepancy a concern. I fail to see how a true and accurate assessment of the proposal could have been undertaken without full details of the existing and proposed extraction rates. Details should be requested from the applicant. The applicants attention should be drawn to the fact that the details regarding extraction rates may require the revision of the EIS, should the details be considered material.

Following the request for additional information, the proposal was revised to provide for 4 no. phases over 232 years. Section 4.9 of the Quarry guidelines states that where the life of a proposed quarry exceeds 5 no. years it may be appropriate to grant permission for a longer period such as 10-20 years. The purpose of setting a finite period is not to anticipate that extraction should not continue but rather to enable the Planning Authority in conjunction with environmental authorities to review changes in environmental standards and technologies. I note condition no. 2 of the notification of decision to grant permission issued by the Council which states that written consent shall be received before commencement of phase 2. Phase 1 of the proposed development is 35 years. In light of changing best practice guidelines, market demand, environmental technologies and the physical environment of the site I consider it reasonable to request the applicant to seek planning permission for all phases subsequent to phase 1. I consider that the option of requiring only written consent from the Council may be unable to provide the flexibility required to react to changing circumstances.

It is noted that the EIS states that no new permanent buildings will be erected as part of the application. However, drawing no. 364-2009 (proposed phase 1 plan) shows a garage / workshop / toilet building with domestic foul treatment system adjoining the new access road. A separate planning permission must be sought for these structures.

11.2.1 Condition no. 3

Roadstone request that condition no. 3 be amended to permit quarrying operations until 18.00 on Saturdays. The Planning Authority state that the conditioned hours are reasonable. Given the proximity of residential

properties to the quarry, I consider the conditioned hours - which are in line with the national recommendations on hours of operation - to be reasonable. It is noted that the guidelines recommend it is imperative that market conditions which require greater flexibility of working hours are discussed with the Planning Authority at the pre-application stage. I consider that the First party has not made a case for such flexibility. I do not accept the statement that the current hours of operation do not impact upon local residents, given the proximity of residential dwellings to the site. In addition I note that the third parties have indicated that they wish the hours of operation to be restricted to 07.00 to 18.00 Monday to Friday. I am satisfied that condition no. 3 should not be amended.

11.2.2 Condition no. 8(a)

Roadstone have requested that instead of mobile numbers that they be allowed provide a staffed out of hours phone line. The Planning Authority have stated that they have no difficulty with this and it has not been raised as a concern by third parties. I see no reason not to accept the substitution. The condition should be amended as suggested.

11.2.3 Condition no. 27(a)

Roadstone request 60 months to rehabilitate the site after the cessation of works and that a restoration plan be agreed with the Planning Authority. The Planning Authority state that they are amenable to this. As outlined above and subject to the satisfactory address of the concerns outlined below, I would recommend that permission be granted for proposed phase 1 only. I recommend a condition requiring full restoration of the site after phase 1 unless planning permission has been granted for subsequent phases.

11.3 Flora and Fauna

Chapter 5 of the EIS deals with Flora and Fauna. Habitat assessment undertaken in February and March. Species with conservation status include: peregrine falcon, raven, wheatear, pine marten, Irish hare and mountain pansy. Mammals recorded on site include sika deer, badger and rabbits. Continuation of quarrying will lead to the permanent removal of some habitats on site. Mitigation measures proposed include the retention of suitable nesting ledges for raven and falcon, removal of cliff face outside of breeding

season, fencing of retained scrub and vegetation to prevent accidental damage and the restoration of the site for wildlife purposes.

The presence of raven and peregrine falcon on site, possibly breeding, poses the most significant environmental impact. The EIA undertook a survey during March and April and acknowledges that this may not give a full and accurate survey on the baseline situation on site. Possible impacts noted include the loss of nesting and foraging habitat, removal of nesting sites for the falcons and disturbance of nesting birds. The EIS states that "the impact on nesting birds is expected to be minor, provided the mitigation measures are fully implemented."

Mitigation measures proposed include no blasting of cliff face containing nesting sites during the breeding season (September to February), fencing off of scrub and vegetation, removal of scrub and trees outside the nesting season (March to August). I accept the first parties assertion that the presence of the birds in an active quarry is evidence of their ability to exist during quarry operations. The EIS states that a breeding bird survey should be undertaken during March to June to ascertain the status of the falcon and raven and any other birds likely to breed on rock faces. I consider the proposed mitigation measures acceptable and adequate, however I consider that a condition requiring a breeding bird survey should be attached if the Bord grants permission.

11.4 Soils / Geology & Hydrogeology

Chapter 6 of the EIS states that the subject site is mostly underlain by a shallow well drained mineral soil with bedrock at the surface. The underlying aquifer is poor with localised flow. Stripped material will be used in the construction of earthen berms or stored for site restoration. Proposed mitigation measures include earthen berms, and a landscaping restoration plan.

It is noted that the assessment regarding soils, geology and hydrogeology relates to a landscaping plan that includes the provision of earthern berms and a restoration plan after the cessation of quarrying operations. However, the revised phasing and design plan does not provide for earthern berms. The assessment of the likely significant impact of the proposal on the surrounding

environment and the subsequent mitigation measures are not a fully detailed environmental assessment. Further it is noted that material stripped is proposed to be used in the construction of earthern berms and / or stored for the restoration plan. Given that the proposal now no longer provides for earthern berms and that the restoration plan is not due to commence for approx 232 years, I question the relevance of these proposals / mitigation measures. In particular I question the ability to store inert material on site for 232 years. I note that the EIS states that as this material is to be re-used on site, it will not involve the exportation of said material of site and all that entails and therefore the impacts are minimal. With the revised proposal, this may not be the case. A revised proposal for the use of stripped material should be submitted to the council and should require that stripped material not be stored on site for use in the restoration programme. The assertion in the EIS that no increase in traffic will accrue may not result. Therefore the environmental impacts of the revised proposal must be assessed. I recommend that further details be requested from the applicant.

11.5 Water Supply

Chapter 7 of the EIS states that surface water within the greenfield area of the site flows to an unnamed stream to the west of the quarry. Water sources outside of the site range from moderately polluted to unpolluted. Groundwater flow direction is predominantly to the north and east towards the River Dodder. The underlying aquifer is poor with localised flow. Ground water protection rating is "extreme vulnerability". Two points on site in the north west show a water table level at 227.42mOD. Proposed development will not extend below the watertable and there will not be any adverse impact on ground water levels. Two wells noted and assessed within 1.5km of the site. Mitigation measures include diversion of surface water to a lagoon and re-use within the site, use of spillage control equipment and a wheel wash.

The response to the request for additional information re-designed the phasing plan and the proposed FFL of the quarry in phase 4 will be 216mOD. Given that this is significantly below the existing water table, I consider the impacts and assessment in the EIS do not reflect the potential impacts of the revised proposal. In addition, it would appear that not all water supply sources in the vicinity of the quarry were identified and assessed during the EIA. The agricultural use of lands and number of residential dwellings surrounding the

quarry means any impact upon groundwater may have significant public health impacts. I note the detailed and lengthy submission of both Colm and Ann Kenny and Brain and Elaine Joyce regarding the ground water level and water table level in the surrounding area and the possible mismatch of information between same and the information in the EIS. In particular I note the allegation of Brian and Elaine Joyce that the level of the water table at the southern end of the quarry is likely to be higher than the data provided at the northern end. Given the extent of the proposed quarry, the omission of water table levels at more than one point on the site and the use of just one measurement in February 2007 is unacceptable. I therefore cannot accept the first parties contention that the EIS adequately addresses and assess all likely significant impacts of the proposal. The mitigation measures proposed reflect the proposal as originally proposed – i.e. above the water table. I accept that phase 4 and therefore interception of the water table will not occur until approximately the year 2214, however the omission of water supply sources in the vicinity of the site has an immediate impact. I consider this issue materially significant and one unable to be resolved by way of condition attached to a grant of permission. I consider the Planning Authority request for a further hydrology / hydrogeological report to be reasonable, however I recommend that this be requested prior to any further assessment of the appeal. As noted above, I recommend that the applicant be made aware that the findings of this report may affect the acceptability of the submitted EIS to reflect the reality of the proposed development.

11.5.1 Condition no. 21 (b) and (c)

The first party have requested that the requirement to produce a hydrological / hydrogeological report be omitted. They say that sufficient details has been submitted with the application and the EIS. The Planning Authority state that the condition is reasonable given the concern of local landowners regarding the inadequacy of investigations in the EIS. One of the third parties states that the example given by Roadstone of a previous Bord decision is not comparable as that quarry is sand and gravel and no blasting takes place. They reject the statement that submitted information is sufficient and state that it is not possible for the applicant to provide a temporary clean water supply. The issue of water supply and ground water as noted above has caused concern for local landowners.

The example given by Roadstone relates to a Quarry in County Wicklow. I note that the issue of water supply or the extent of site investigations of water supply had not been raised as an issue or an area of concern. It is not possible to determine if the quarry in question was in close proximity to residential dwellings, as is the case in the subject appeal. I am not satisfied therefore that it represents a true comparison and should be used as a precedent.

The issue of the hydrology and hydrogeology of the quarry and the surrounding lands appears to be an area of concern of both the Planning Authority and the local landowners. Notwithstanding the information in the EIS and the response to further information, the landowners are not satisfied that all water supply sources have been identified and therefore assessed regarding the possible impacts of the quarry operation. AS noted above I concur with this finding and recommend that further details be requested from the applicant.

In relation to part (c) of condition no 21, Roadstone state that the requirement to cease operations is overly restricted and that remedial measures including the provision of a temporary water supply is sufficient. The Planning Authority state that the condition is reasonable and in line with the provisions of the Quarry Guidelines and the Water Directive Framework. I concur with the reasoning and statements of the Planning Authority. I note section 4.7(g) of the Quarrying and Ancillary Activities Guidelines which requires a quarry operator to cease operations causing disruption to local water supply. I consider this reasonable. In addition, I note the concerns regarding water supply outlined above and therefore consider that in the event of the quarry operator causing disruption to an existing water supply it is equitable for him to cease such operations and ensure that local landowners are not unduly affected by the actions of the first party. I consider that the condition should remain unamended.

11.6 Air and Climate

Chapter 8 of the EIS outlines the assessment of the proposal on the air and climate. Dust deposition at the site is regularly monitored using the

recognised TA Luft method. Monitoring has been undertaken between 2004 and 2007 and results are within guideline threshold limits. Using mitigation measures, predicted dust emissions are within thresholds. Best practice mitigation measures proposed include vegetating screening berms, spraying of the quarry face and internal haul roads, location of a mobile stone processing plant on the quarry floor, minimising drop heights of material, maintenance of plant and machinery and cleaning of entrance area. As extraction moves south a further monitoring location will be established. The EIS states that there will be little increase in impacts and the existing mitigation measures are effective as can be seen in the monitoring survey results. The submitted documentation does not refer to the volume of material to be extracted during each phase.

11.6.1 Condition no. 6(c)

Condition no. 6(c) requires the applicant to undertake a monthly dust survey and submit an annual review of all surveys within two weeks of completion. The applicant has requested that surveys be required twice a year and two months allowed for the submission of the annual review. The Planning Authority state that continual monitoring should be carried out but are amenable to two months being allowed for the submission of the review. The third parties state that dust is a problem during the dry summer months and may be exacerbated by the lack of water supply.

I note that section 8.1.3 of the revised non-technical summary of the EIS states that monthly monitoring of dust will continue into the future. I cannot accept the argument to deviate from the mitigation measures proposed in the EIS. I consider the suggestion to carry out dust monitoring twice a year insufficient. It is unlikely to give an accurate picture of the situation at the quarry. Given the concern regarding water supply in the area, I consider a programme of monthly monitoring to be reasonable. I note that condition no. 6 provides for amendments to the programme following the annual review. I consider this flexibility will allow for less frequent monitoring should the results of the review support it. I am satisfied that the condition should not be amended regarding frequency of monitoring. As with the above conditions given that the Planning Authority are amenable to the extended time, I see no reason not to accept the revised time period of two months for the submission of the results of the annual review.

11.7 Noise and Vibration

Chapter 9 of the EIS states that an environmental noise survey was undertaken on 16th February 2007 at 4 noise sensitive locations (NSL's) at the site boundary. A description of the method and equipment of operation is provided. All monitoring results are within the recommended limits. It is anticipated that all future monitoring results can comply with this limit. In relation to vibration, the EIS states that notice of once monthly blasting is given to residences. Roadstone use the most up to date technology. Mitigation measures in use will be continued. Ground vibration and air over-pressure will be kept below recommended guidelines. Additional relevant monitoring will be carried out as the quarry extends southerly and westerly.

I note that the EIA regarding noise and vibration was undertaken against the proposal which provided for earthern berms. The revised proposal does not provide for earthern berms but accompanying documentation refers to an acoustic berm. Details of same should be requested. In relation to vibration, the EIS states that levels will be kept below recommended guidelines. I note that the response of the First party to the third party appeal of Colm and Ann Kenny states that all major noise sources will remain on the quarry floor while an acoustic berm will ameliorate any drilling activity on the higher benches.

11.7.1 Condition no. 4(c)

Roadstone have requested that the reference to a noise sampling point at the site boundary be removed from condition no. 4(c). The Planning Authority have stated that this omission is acceptable. The third parties state that noise monitoring points should be at the most sensitive location and that the omission of one sampling point would give an inaccurate representation of noise.

The EPA guidelines state that "the location of some of the monitoring positions should, where practicable, be the same as those used for baseline noise studies". The guidelines also state that the "worst-case" sampling positions should be used.

The issue of the location of noise monitoring points not corresponding with noise sensitive locations was raised in the request for additional information.

The applicant responded with a revised figure 7.2B which it was stated showed revised noise monitoring locations. I have examined figure 7.2B and I note that the drawing is of poor quality, with no labels and little distinguishing elements other than the legend. I consider it difficult to decipher and possibly misleading. I note that the drawing shows 4 no. noise monitoring points but the EIS refers to 5 points, with corresponding noise survey results. Without the correct identifying information I must assume – based on cross referencing between the EIS, the response to the request for additional information, the original figure 7.2 and the revised figure 7.2 – that the 4 no. locations shown correspond to locations N2-N5 in the noise survey results (table 9-2 in the EIS).

I note the statement of the EIS that an environmental noise survey was undertaken on 16th February 2007 at 4 noise sensitive locations (NSL's) at the site boundary. I can see no reason or argument for the noise sampling points to vary from those used in the baseline study – particularly those at locations N2 and N4. I consider the use of the any other points would nullify or invalidate the results of the noise survey undertaken as part of the EIA. I note that the EIA regarding noise and vibration was undertaken against the proposal which provided for earthern berms. The revised proposal does not provide for earthern berms as an acoustic mitigation measure. This further compounds the need for accurate noise monitoring. However, I accept the argument of the first party that monitoring locations cannot be fixed in a condition, in order to best react to quarry activity as it changes over the life of the operation. I am satisfied that condition 4(c) is reasonable and should not be amended.

11.7.2 Condition no 5(e)

Condition no. 5(e) requires the applicant to submit an annual review of blast monitoring data within two weeks of its completion. Roadstone say that two weeks is unreasonable and require two months to submit the review as this is in line with the environmental audit required by condition no. 11. The Planning Authority state that this is acceptable. I note that third parties have not raised this extended time period as an area of concern. I further note that the Guidelines do not set standards in relation to submission of annual reviews. Given that the Planning Authority are amenable to this extended time, I see no reason not to accept the revised time period of two months. I consider that

condition no. 5(e) should be amended to refer to a time period of "two months" rather than "two weeks" for the submission of the results of the annual review of blast monitoring data.

11.8 Traffic

Chapter 10 of the EIS states that it is proposed to extend the existing Tallaght by-pass to connect with the N81 to the west of the quarry. All quarry traffic will access the national road network via this junction. Mitigation measures include the reinstatement of road markings and a revised site entrance.

The third party appeal notes that the Mount Seskin Road is narrow and unable to cope with existing HGV traffic. The first party state that the extension to the Tallaght by-pass will allow traffic from the quarry to join the new N81. I note the proposed route of the new by-pass and the location of existing residents in the area. The new route which occurs north of the existing quarry will still require traffic from the quarry to use the Mount Seskin Road and will not result in any decrease in traffic on the road used by the third parties. I note the contention of the applicant in the EIS that intensity of operation will not increase and therefore there will not be an increase in traffic generation. However this cannot be fully determined without details of the proposed extraction rates. It is difficult to determine if the road network has the capacity to absorb the anticipated level of traffic.

11.9 Landscape and Visual Assessment

Chapter 11 of the EIS deals with the visual assessment of the proposal. It states that the hills in which the subject site is situate form an important backdrop to the populated areas of Tallaght. The quarry is significantly visible and the rural area is negatively affected. Mitigation measures include the retention and protection of planting within the site boundary, planting, restoration after cessation of operations, securing of site boundaries and levelling of spoil heaps on site.

It is considered the visual impact of the continuation of the quarry is unavoidable. Therefore the proposed mitigation measures are of utmost importance. The revised extraction plan provides for the southerly extension of the quarry. This allows landscape planting on the exposed areas to

establish. This will diminish the visual impact of the operation. This is considered acceptable.

11.10 Other

The issues raised by the third parties regarding land ownership and title and illegal dumping are not matters to be addressed by way of planning appeal. I note section 34(2)(a) of the Planning and Development Act 2000 which states that a Planning Authority shall be restricted to considering the proper planning and sustainable development of the area regard being had to the development plan, any SAAO, any European or other designation under section 10(2)(c), Government or Ministerial policies and any other relevant provisions under the act or regulations. In addition I draw the Bord's attention to section 34(13) of the Planning and Development Act 2000 which states that "a person shall not be entitled solely by reason of a permission under this section to carry out a development."

12.0 SUMMARY AND CONCLUSION

The quarry at De Selby has been registered in accordance with section 261 of the Planning and Development Act 2000. The Bord therefore is unable to adjudicate upon the principle of the quarry or the use of same. The subject application and EIS refer to the continuation and extension of quarrying. As acknowledged by all parties, quarrying as an activity invariably impacts on the environment and local landowners. Therefore one of the purposes of the application and the EIS is to mitigate and ameliorate those impacts. I would accept that given the nature of the local area, which is an agricultural area the development will impact on the area and the local population but in assessing this application which relates to the extraction of materials it has to be considered in the context that it is a resource based industry and extraction is already established.

I consider that the Bord has two options with regard to this appeal. The Bord may wish to determine this appeal in two parts: the permission sought regarding continuation of the existing quarry and the permission sought to extend the quarry. I draw ones attention to my assessment above that the Bord must have regard to the existing use of the quarry and the registration of the existing quarry by South Dublin County Council. However, this raises two

difficulties: the extent of the existing quarry and the ability or not of the submitted EIS to adequately assess the impacts of the existing quarry. I am not satisfied that the submitted EIS can be separated and that the impacts of the existing quarry can be separated from the impacts of the proposed extension. Therefore and given my concerns regarding omissions outlined above, I am not satisfied that the submitted EIS is a true reflection of the impacts of the existing quarry. I do not consider that the Bord should determine the proposal for continuation of the existing quarry based on the assessment submitted within the EIS. Were this appeal not subsequent to a section 261 registration I would be minded to recommend a refusal based on the insufficient information before the Bord necessary to make a determination.

As noted above however, I have a number of areas of concern regarding omissions or inaccuracies in the submitted application, the EIS and the response to the request for further information. Without greater detail regarding certain issues it is difficult to fully assess the proposal and the likely significant impacts on the environment and the proper planning and sustainable development of the area. I consider it inappropriate to address these issues by way of condition attached to a grant, given the fundamental nature of the concerns.

Therefore I consider the most appropriate course of action to be a request for further information and the circulation of that information to all parties. I recommend that the case be deferred to facilitate the submission by the Applicant of certain information necessary for the purpose of enabling the Bord to determine an appeal.

13.0 RECOMMENDATION

I recommend that the Bord defer consideration of this case and issue a notice to the parties as follows:

It appears to the Bord that there is insufficient detail before the Bord to determine the appeal against the decision of the Planning Authority. Therefore it appears to the Bord that it would be inappropriate for it to determine this appeal until such information has been received. The applicant is requested to submit the following information which is considered necessary for the purpose of enabling the Bord to determine an appeal.

1. Details of existing rates of extraction per annum, including number of truck movements per day and details of proposed rates of extraction per annum for each phase, including number of truck movements per day.
2. A hydrological / hydrogeological survey and report in respect of the quarry lands prepared by a suitably qualified person having appropriate experience. The report shall include details of all measures proposed to be taken to protect groundwater resources and in particular any spring-fed or other wells in the vicinity of the quarry lands. The report shall have regard to all relevant requirements arising under the Water Framework Directive.
3. A revised proposal for the use of stripped material which provides that stripped material not be stored on site solely for use in the restoration programme, but may be re-used within the site for landscaping purposes.
4. Details of the proposed acoustic berm referred to in chapter 9 of the EIS but not shown in subsequent drawings.

Gillian Kane
Planning Inspector
02/09/08

An Bord Pleanála

Supplementary Inspector's Report

Development:	Continuation of Quarrying at De Selby Quarry, Townland of Corbally and Lugmore, Tallaght, Co. Dublin.

Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg. Ref.:	SD07A/0409
Applicant:	Roadstone Dublin Ltd.
Type of Application:	Permission
Planning Authority Decision:	Grant

Planning Appeal

Appellant(s):	
First Party:	Roadstone Dublin Ltd.
Third Party:	Bryan & Elaine Joyce
	Colm Kenny
Type of Appeal:	First and Third Party
Date of Site Inspection:	14/08/08
Inspector:	Gillian Kane

1.0 First Party Response to Bord Direction

The First Party responded to the Bords request of further information on 28th April 2009. In relation to the questions posed by the Bord, the following information was submitted:

1.1.0 Rates of Extraction

Table 1-1 states that the expected timescale in years based on the current extraction rates is as follows:

- Phase 1: 35 years
- Phase 2: 74 years
- Phase 3: 97 years
- Phase 4: 26 years

It is stated that the existing extraction rate is 100,000 tonnes per annum and is based on 5 no. 20tonne trucks leaving the quarry per hour (see page 3 of quarry registration application form SDQU05A/3). It is submitted that market demands may change and that the "existing permitted trucks movements as stated in the quarry registration form" would allow for an increase in the current annual rate of extraction. It is submitted that the annual extraction rate from the quarry will be 316,800t per annum or 117,333m^3 per annum. This figure is based on 5 trucks with twenty tonnes per hour, over an 11 hour day, 6 days a week, 48 weeks a year.

Table 1-2 of the response shows the volumes per phase and the expected timescale in years. Phase 1 is stated to have a timescale of 10.4 years, phase 2 = 23.94 years, phase 3= 31.41 years and phase 4=8.6 years. The total expected timescale in years is given as 74.35 with 8.7million cubic metres of rock extracted.

1.1.1 Photomontages

It is submitted that 5 no. legible photomontages have been re-issued to the Bord. Each photomontage is accompanied by a verbal description of the existing view and the impacts on view at the end of each phase.

1.1.3 Hydrological / Hydrogeological Survey

It is submitted that a hydrological / hydrogeological survey was carried out on April 8th 2009, details of which are submitted. It is stated that the ground water level was determined from borehole 2 to be at 227.42OD and that the applicant is willing to restrict operations to above the water table across the proposed footprint as submitted to South Dublin Co.Co. in Jan 2008. Mitigation measures are proposed including a monitoring programme.

1.2 Lifetime of permission

It is submitted that the quarry is pre-'63 and there is no existing limit on the duration of the development. It is submitted that if a limitation on the life of the development is imposed, it would be grounds for a compensation claim. It is noted that An Bord Pleanala have overturned such conditions – PL17.QC2030. The applicant states that they are willing to accept condition no. 2 of the SDCC notification of a decision to grant which requires consultation with the Council at the end of phase 1. Should the Bord wish to restrict the lifespan of the quarry, the applicant requests that permission for not less than 50 no. years is granted. It is submitted that all phases must be granted as it is vital that the applicant has access to the total reserve of the quarry.

2.0 Third Party responses to First Party Response

2.1 Planning Authority

It would appear that the photomontages have not been revised and do no appear significantly different. It appears that the screen planting proposed may not be effective particularly in phase 2. It is considered essential that landscaping of quarry workings be effective. It is recommended that a landscaping condition be imposed and that quarry operator be conditioned to review the effectiveness of same every five years. The potential of the quarry for long term biodiversity enhancement is considered appropriate.

It is noted that the hydrogeological survey relies on the GSI designation of the aquifer as poor. It is noted that such a designation is a macro description for counties. At a local level where good data is available the allocation becomes less important and possibly irrelevant. It is considered that the availability of data for the site renders it locally important and the application should be considered in this light.

It is noted that the potential impact of the proposed development on surface water is not addressed in the EIS. It is submitted that it is possible that quarry operations could increase the frequency or duration of dry periods. It is submitted that it is important for the health of water bodies downstream to receive water from first order water bodies during the drier months.

It is submitted that there is no reference to the existing effluent percolation treatment area. Information regarding P and T values, depth of treatment material, water table level and depth to bedrock should be requested.

2.2 Bryan & Elaine Joyce

The difference in time scales for phases is noted and it is asked how when phase 1 will end. It is submitted that the claim regarding annual extraction rates and years of extraction do not match the footprint of the quarry. It is submitted that market conditions have changed and traffic generation from the quarry has reduced from 20 trucks per day to zero. It is submitted that the photomontages submitted do not reflect reality and that quarrying machinery will be in place at the top of the hill. It is submitted that a detailed ameliorative plan has never been submitted and that details regarding distance to quarry boundaries and height of earthen berms are unknown. It is requested that a 60m wide, high earthen berm be conditioned. The Parks Department of SDCC have asked for a number of conditions to apply.

It is submitted that the application boundary line contains lands not in the applicants ownership. The location of the Joyce spring well is not accurate. It is submitted that the volumes of surface water to be managed have been under estimated as they do not include the entire floor area of phase 1, 2 and 3. The applicant states that the water table is at 227.42mOD and the proposed quarry floor is at 236mOD. If the sump is any deeper than 8.5m it could intercept the water table. Run off is a major problem. The applicant has not stated where the run off will be discharged to. It is welcomed that the proposed development will remain above the water table. It is assumed that this means phase 4 will not occur. The Bord is requested to verify that the author of the report is a qualified hydrogeologist. It is submitted that the zone of contribution for the Joyce well is located within ground to be removed in phase 2 and 3. It is submitted that the information requested by the Bord regarding each phase has not been submitted. If a blast impacts on the feed system for the well, the water flow ill be diverted to the quarry floor which at

40m below the well can not be reversed. The proposed mitigation measures offer no protection. No livestock have access to the well which provides excellent quality water. It is submitted that should negative impacts occur, the consequences will be extreme. It is noted that the First party response states that water supply in the area is low. The Bord is requested to ask how the quarry propose to service the well if this is the case. It is submitted that, contrary to policy EE17 of the SDCC development plan, the applicant has not proven that aquifers and ground water will be safe guarded.

It is submitted that timescales for each phase are unclear and that limiting the life of the quarry is appropriate.

2.3 Colm & Ann Kenny

No dimensional drawings of the proposed extraction area were submitted. It is submitted that these details are necessary to calculate the volume and location of material to be extracted. It is submitted that the exaggerated number of movements as suggested in the s.261 registration form is an inconclusive and unreliable way of determining the volume of extraction proposed. It is submitted that there was no request for minimum or maximum truck movements in the s261 registration application form but that current extraction rates were asked for not received. It is unclear how the contents of table 1-2 have been complied.

The information submitted with regard to past movements does not correlate with the amount of rock extracted over the past ten years. Dates of all blasts between 1999 and 2008 are submitted. It is submitted that the most recent area of extraction measures 165mx100mx18m which correlates to the amount of extraction per blast to date. An OS map showing the extracted void to date and the void that would have been created according to table 1-2 is submitted. It is submitted that the difference between the two is enormous. It is submitted that any increase in the stated current extraction rate would constitute an intensification of use.

It is submitted that the photomontages do not represent a true picture of the proposal. A height difference of over 60m between contours could not be accommodated by native broadleaves. It is noted that neither the requested planted screening earthen berms, nor the continuous planting on benches are not included in the photomontages. It is submitted that the ameliorative measures proposed will not negate the effects of the quarry, the area of which is included as a listed prospect in the development plan.

It is submitted that the hydrogeology report is incorrect in stating that spring wells in the area have dried up. No reference to the cone of draw down caused by the deep quarrying excavation is made. It is submitted that is the fear of the Kennys that a blast should alter the ground water flow allowing water to flow to the quarry floor 120m below the level of their spring well. It is submitted that as the water table level differs there is no guarantee where or when it may be intercepted. It is stated that the applicants response is inadequate. It is submitted that the applicant is absolving themselves of responsibility by claiming that reduce flows occur naturally and that measures undertaken by the applicant will cause reduced flow or drying up of the wells.

It is submitted that the current use of the quarry is unauthorised and the applicants demands are an intensification of use. The Bord is requested to refuse or condition the development.

2.4 ***Katherine Joyce***

It is submitted that quarrying activity stopped for approx. 12 years. The response asks if compensation is payable if the quarry is not in constant use. It is submitted that water supply has failed only once in 40 years but will be negatively impacted by phase 2. It is requested that the Bord grant permission for phase 1 only.

3.0 ASSESSMENT

3.1 Rates of Extraction

As are many of the third parties, I am still unclear as to the information submitted regarding the rates of extraction, volumes per phase and expected timescales. The first anomaly I note is that it is stated that with 5 no. 20t trucks leaving the site per hour, the current annual extraction rate is 100,000tonnes per annum. Yet, it is submitted that the same number of similarly sized trucks leaving the site per hour will allow an annual extraction rate of nearly 317,000 tonnes per year. The current hours of operation according to the application are 07.00 to 18.00 Monday to Saturday. It is proposed to retain the same hours of operation. I am unclear therefore, how it is possible to increase the annual volume of extraction by 300% without increasing the physical output from the site.

The second anomaly I perceive regards the proposed phases. Following a request for further information, four phases were proposed as outlined above as indicated in table 1-1 of the most recent response. The response to the Bords request states: *"based on an extraction rate of 316,800tonnes per annum or 117,333.3cubic metres and the overall volumes of aggregate reserves existing at the Quarry, the following volumes are proposed per phase"* The following table 1-2 of the response shows that phase 1 has a timescale of 10.4 years, phase 2 has 23.94 years, phase 3 has 31.41 years and phase 4 has a timescale of 8.6 years. The total expected timescale in years is given as 74.35 with 8.7million cubic metres of rock extracted.

As can be seen, these timescales do not correlate with the phases outlined in the previous table and throughout the appeal documentation. I am unclear as to what the difference in the two timescales presented actually means. If phase 1 is taken as an example, table 1-1 states that phase 1 has an expected timescale based on the current extraction rate, of 35 years. Yet Table 1-2 states that based on an annual extraction volume of 117,333 cubic metres, 1.2million cubic metres of rock will be extracted over 10.4years. If the first party were to extract 117,333cubic metres over 35 years the volume of extraction would be over 4million tonnes. Which is proposed?

Phase 1 is stated to be 35 years, yet the expected timescale based on the registered extraction rate is 10.4 years. I am still unclear as to whether it is proposed to extract 117,333m^3 per annum for the total phases of 229 years or for 74.35 years. None of the figures between the two tables correlate. If the proposed rate of extraction follows the timescale of the second table (i.e. phase 1 has a timescale of 10.4 years rather than 35 years), what is proposed to occur on site over the remainder phase lifetime? I am not satisfied that the question posed by the Bord has been satisfactorily addressed.

I note that in "Item 2" of the response to the Bords request it states: "It should be noted that if this quarry were to be restricted to Phase 1 only based on the

Section 261 registered truck movements (5 tipper trucks per hour leaving the quarry) the lifespan of this operation would only be 10 years". On reading this, one must assume that table 1-2 refers to a volume of extracted material possible based on existing traffic generation. Yet, if that is the case, why does the response refer to the fact that this level of truck movements "would allow for an increase in the current annual rate of extraction"? Also, as noted above the proposed figure 316,800tonnes or 117,333cubic metres has been calculated on a basis of 5 truck movements per hour – the same as existing according to the s261 registration application form. I am not satisfied that there is any clarity with regards to the exact level of extraction proposed, either per year or over a particular phase lifetime.

In this instance, I consider that the Bord has two options. A request for a clarification of the information submitted could be issued or should the Bord decide to grant permission, a specific condition limiting the volume of material to be extracted per year, specifying the number of years extraction can occur and specifying the exact length of each phase, can be attached. I would have a preference for seeking clarification, given the level of opposition to the propose development. However, I am mindful that the nature of quarrying is largely determined by market conditions and that future demand cannot be accurately be predicted. Based on the assessment put forward by me in the previous planning report, where I recommended that phase 1 only be permitted, I consider the attachment of such a condition reasonable and enforceable. I recommend that an annual extraction rate of up to 316,800 tonnes / 117,333cubic metres per annum or a total extraction volume of 1,222,999.92 cubic metres (which ever is achieved first) be allowed over a period of 35 years.

3.2 Photomontages

I concur with the Planning Authority that the photomontages submitted to the Bord appear largely similar to those originally submitted with the application. In this regard, I note that the applicant states that said images are "re-issued to the Bord" rather than being revised images.

I concur with the third parties that the proposed screening measures such as planting etc do not appear to have been taken into account in the photomontages. I am however, satisfied that such measures can be controlled by way of condition attached to a grant of permission. Should the Bord decide to take this course of action, I recommend that a full and detailed landscaping proposal be submitted for the written approval of SDCC prior to the continuation of or any further extraction on site.

3.3 Hydrological / Hydrogeological Survey

The Bord requested that a hydrological / hydrogeological survey and report in respect of the quarry lands be carried out. I note however, that a survey of the wells outside the quarry lands *only* was undertaken. In the previous planning report I noted that the revised phasing structure proposed that the water table level as indicated by BH2 would be intercepted in phase 4 and that the EIS did not reflect this situation and therefore did not adequately assess the proposed development. I further stated that the use of data from only one borehole taken in 2007 was insufficient given the size of the proposed development. I note that the survey now submitted does not address either of these issues. It remains that there is data from only one borehole at the northern end of the quarry. I re-state that I consider this

inadequate, particularly given the allegation by third parties that this information does not correlate to their data. I concur with the third parties, that without more than one data source, it is not possible to definitively state the level of the ground water table. Therefore, the applicants offer to restrict extraction to above the water table level is essentially meaningless.

I note that SDCC believe the reliance of the applicant on a broad designation of the underlying aquifer as 'poor' is inadequate. I concur with the statement and consider that the applicant should have carried out a more comprehensive survey of the quarry lands as requested by the Bord. As above, I am not satisfied that the First Party has adequately addressed the question posed by the Bord. However, I am mindful that quarrying activities to date have not impacted upon water sources of neighbouring properties and the willingness of the applicant to restrict quarrying to above the water table level. Should the Bord be minded to grant permission, I recommend that a condition requested a full, detailed and comprehensive hydrogeological survey of the existing and proposed extraction area, including no less than 4 no. borehole locations, with the aim of estimating the approximate level of the underlying ground water table, be undertaken prior to any further extraction on the quarry lands. I recommend that such a survey and all proposed mitigation measures be submitted to SDCC for their written approval prior to the commencement of development. The condition should restrict extraction to a minimum of 3m above the determined water table.

3.4 Lifetime of permission

The applicant states that the quarry is an existing pre-63 quarry with no limitation on lifetime. The applicant states that should the Bord wish to limit the life of the quarry they would be entitled to seek compensation under s.261 of the Planning and Development Act 2000. This may well be the case and it is the right of the applicant to seek legal advice on same. I consider it irrelevant to the appeal however and note that the Bord is not obliged to take the threat of legal action into account when assessing an appeal. I note section 34(2)(a) of the Planning and Development Act 2000 which states that a Planning Authority shall be restricted to considering the proper planning and sustainable development of the area regard being had to the development plan, any SAAO, any European or other designation under section 10(2)(c), Government or Ministerial policies and any other relevant provisions under the act or regulations. In addition I note section 143 of the Planning and Development Act 2000 which states that the Bord shall have regard to the policies and objectives of the Government, state authority, Minister, Planning Authorities and any other body.

In this regard I note that section 4.9 of the national Quarry guidelines states that where the life of a proposed quarry exceeds 5 no. years it may be appropriate to grant permission for a longer period such as 10-20 years. The guidelines emphasis that the purpose of setting a finite period is not to anticipate that extraction should not continue but rather to enable the Planning Authority in conjunction with environmental authorities to review changes in environmental standards and technologies. I note condition no. 2 of the notification of decision to grant permission issued by the Council which states that written consent shall be received before commencement of phase 2. Phase 1 of the proposed development is 35 years. In light of changing best practice guidelines, market demand, environmental technologies and the physical environment of the site, should the Bord wish to grant permission I

consider it reasonable to request the applicant to seek planning permission for all phases subsequent to phase 1. I consider that the option of requiring only written consent from the Council may be unable to provide the flexibility required to react to changing circumstances. I consider this reasonable and appropriate to the proposed development given the level of uncertainty regarding the exact nature of development proposed.

4.0 CONCLUSION AND RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the South Dublin County Development Plan, the Quarries and Ancillary Activities Guidelines for Planning Authorities, the Directives on EIA, the response of the First and Third parties to the request of the Bord and all other matters arising. The proposed continued operation of this quarry is considered to be acceptable and in accordance with the policies and objectives of the Development Plan. Therefore it is considered reasonable to grant permission subject to the following reasons and considerations

5.0 REASONS and CONSIDERATIONS:

Having regard to the existing quarry on site, the setting of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings (or further plans and particulars) received by the planning authority on the 31st day of January, 2008, except as may otherwise be required in order to comply with the following conditions. Quarrying activity shall cease unless further planning permission has been granted, at the end of phase one: i.e. 35 years from the date of this order or when the volume of material extracted has reached 1.2million cubic metres, whichever shall occur first. Extraction of material shall be restricted to no less than 3m above the determined water table level at any one point.
Reason: In the interest of clarity and to comply with the information submitted to An Bord Pleanala.

2. Separate planning permissions shall be sought for those permanent buildings shown on drawing no. 364-2009 (proposed phase 1 plan): garage / workshop / toilet building with domestic foul treatment system adjoining the new access road.
Reason: In the interest of clarity

3. A detailed restoration scheme of the site according to the broad principles indicated in the Environmental Impact Statement shall be carried out before the timelines indicated in condition no. 1 unless, prior to the end of that period, planning permission shall have been granted for the continuance of use. Final details of the restoration, which shall be carried out on a phased basis shall be agreed in writing with the planning authority within three months of the date of this order.
Reason: In the interest of the visual amenities of the area.

4. Prior to the commencement of development a comprehensive hydrological / hydrogeological survey of the entire quarry lands shall be undertaken. The survey shall include no less than 4 no. boreholes to determine the approximate level of the ground water in the quarry extraction area – both existing and proposed. Details of the survey and proposed mitigation measures shall be submitted to and agreed with South Dublin Council prior to the commencement of development on site.
Reason: In the interest of orderly development and to safeguard local amenities.

5. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:
   a. Proposals for the suppression of on-site noise (in order to comply with conditions set out in this permission).
   b. Proposals for the on going monitoring of sound emissions at dwellings to be agreed with the planning authority.
   c. Proposals for the suppression of dust on site and on the access road.
   d. Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
   e. Details of safety measures for the land above the proposed development, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of the planning authority to these detail).
   f. Management of all landscaping, with particular reference to enhancing the ecological value of the woodland / grassland on the bunds and buffer areas.
   g. Monitoring of ground and surface water quality, levels and discharges.
   h. Full details of site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility, details which shall be agreed with the planning authority.

   The developer shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring, details of such information to be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.
   Reason: In the interest of orderly development and to safeguard local amenities.

4. On an annual basis, for the lifetime of the facility (within three months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority. This report shall contain:
   (a) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

(b) An annual topographical survey carried out by an independent qualified surveyor approved by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.
(c) A record of groundwater levels measured at monthly intervals.
(d) A full record of all breaches over the previous year for noise, dust, and water quality monitoring.
(e) A written record of all complaints, including actions taken on each complaint.

Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

5. A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the Planning Authority within two months of its completion for its written agreement. The operator shall carry out any amendments to the programme required by the Planning Authority following this annual review.

Reason: In the interest of protecting the residential amenity of adjoining landowners.

6. A monthly survey and monitoring programme of dust shall be undertaken by a suitably qualified person having appropriate experience to provide for compliance with the above limits. Details of this programme, including the location of dust monitoring stations, shall be submitted for the written agreement of the Planning Authority within three months of the date of this decision. This programme shall include an annual review of all dust monitoring data, to be prepared by a suitably qualified person having appropriate experience, the results of which shall be submitted to the Planning Authority within two weeks of completion for its written agreement. The operator shall carry out any amendments to the programme required by the Planning Authority following this annual review.

Reason: In the interest of protecting the residential amenity of adjoining landowners.

7. Following the cessation of quarrying operations all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation and all rehabilitation works shall be completed within 60 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours of the adjoining land.

Reason: In the interest of protecting the visual amenity of this elevated area.

8. Equivalent sound levels attributable to all on-site operations associated with the proposed development (excluding blasting) shall not exceed and a level of Laeq (1 hour) of 55 dB (A) between the hours of 0800 hours and 2000 hours and Laeq (15 minutes) of 45 dB (A) between 20.00 and 08.00 hours when measured at a sensitive receptor in the vicinity of the site. A quarterly noise survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emissions arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location on the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the Planning Authority for written agreement within three months of the sate of this decision. Surveys shall be carried out in accordance with the EPA's 'Environmental Noise Survey – Guidance Document' 2003 or as may be amended from time to time. The results of the quarterly survey and assessment programme shall be submitted to the Planning Authority quarterly
Reason: In the interest of residential amenity.

9. Operating hours for the development shall be restricted to between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. The facilities shall not operate outside these hours or on Sundays or public holidays.
Reason: In the interest of residential amenity.

10. Blasting operations shall only take place between 1100 hours and 1700 hours, Monday to Friday. Monitoring of the noise and vibration arising out of blasting and the frequency shall be carried out at the developer's expense by an independent contractor agreed with the planning authority prior to commencement of development. Details of such a monitoring programme shall be submitted to the Planning Authority for written agreement within three months of the date of this order.
Reason: In the interest of residential amenity.

11. The vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any three mutually orthogonal directions. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. The air overpressure from any blast shall not exceed a value of 125B (Lin) maximum peak.
Reason: In the interest of public safety.

12. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.
Reason: In the interest of public safety.

13. Total dust emissions arising from the on-site operations shall not exceed 350 milligrams per metre squared per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter at any position along the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles,

waste piles, roads and circulation areas and equipment during periods of dry windy weather to prevent the emission of fugitive dust.
Reason: In the interest of protecting the amenities of the area.

14. Details including names, function and mobile number of all key personnel responsible for the operation of the quarry shall be provided to South Dublin County Council. All changes in personnel or particulars shall be notified to the Council as soon as they occur. The operator shall provide all landowners and occupiers within 500m of the quarry lands as delineated by the red coloured line indicated on site location plan drawing no. 3364-2001 Issue A dated January 2008, with appropriate contact details which may be used in the event that any such person which to inform of an incident in relation to quarry operations or otherwise make a complaint in respect of such activities. A public notice shall be erected and maintained at the entrance to the quarry. Such notice shall contain the name of the operating company and contact details, including out of hours contact details which may be used in the event that any person wishes to contact the quarry operator with regard to any aspect of quarry activities.
Reason: In the interest of the protecting the residential amenity of landowners and the general public in the area.

15. Access shall be granted to any authorised officer of the Planning Authority, the Health Service Executive or the Environmental Protection Agency 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 in accordance with this decision.
Reason: In the interests of protecting public health and safety.

16. Prior to the commencement of development on site and within the breeding season September to February, a breeding bird survey shall be carried out on site. Details shall be submitted to South Dublin County Council and the National Parks and Wildlife Services for written agreement of mitigation measures.
Reason: In the interest of protecting the biodiversity of the area.

17. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility which shall be operated in accordance with the requirements of the planning authority.
Reason: In the interest of the amenities of the area and of traffic safety and convenience.

18. All waste material shall be stored and disposed of in accordance with the requirements of the planning authority.
Reason: To safeguard the amenities of the area.

19. Fuel supplies and other services on-site shall be used only to service vehicles and machinery directly involved in the extraction of aggregate within the development site, the product of that aggregate on site, and the transport of those materials and products.
Reason: In the interest of orderly development.

20. All over ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including storm water, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.
Reason: In the interest of orderly development.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion and restoration of the planting and other landscaping of the site as required by condition number 4, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The security to be lodged shall be, as follows -
(a) An approved insurance company bond in the sum of €250,000 (two hundred and fifty thousand euro), or
(b) A cash sum of €250,000 (two hundred and fifty thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
(c) A letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.
Reason: To ensure the satisfactory completion of the development.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.
Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Gillian Kane
Planning Inspector
18/06/09

An Bord Pleanála

PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

South Dublin County

Planning Register Reference Number: SD07A/0409

An Bord Pleanála Reference Number: PL 06S.228842

APPEAL by Bryan and Elaine Joyce of Meadowfield, Mountseskin Road, Saggart, County Dublin and by Colm and Ann Kenny of Lugmore, Saggart, County Dublin and by Roadstone Dublin Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Blanchardstown, Dublin against the decision made on the 26th day of March, 2008 by South Dublin County Council to grant subject to conditions a permission to the said Roadstone Dublin Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works within an area of 31.25 hectares at De Selby Quarry, in the townlands of Corbally and Lugmore, Tallaght, County Dublin (as revised by further public notice received by the planning authority on the 19th day of February, 2008).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

REASONS AND CONSIDERATIONS

Having regard to the existing pre-1963 quarry on site, the provisions of the Planning and Development Act 2000 and the Quarries and Ancillary Activities Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004, and the setting of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual 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 sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31st day of January, 2008 and by the submission received by An Bord Pleanála on the 28th day of April, 2009, except as may otherwise be required in order to comply with the following conditions.

   Reason: In the interest of clarity.

2. (a) Quarrying activity shall cease at the end of phase one (35 years from the date of this order) as shown on the drawing Phase 1 Site Extraction Plan (drawing number 3364-2009 received by the planning authority on the 31st day of January, 2008), unless further planning permission has been granted.

   (b) Extraction of material shall be restricted to no less than 1.5 metres above the determined water table level at any one point.

   Reason: In the interest of clarity and environmental protection and to allow for review of changes in environmental standards and technology over time.

3. (a) Following the cessation of quarrying operations all buildings, plant and surface equipment shall be removed from the site within 12 months of the date of such cessation and all rehabilitation works shall be completed within 60 months of the date of such cessation. The whole of the surface area (including the slopes and sections containing deposition accruing from the operation of the quarry) shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours of the adjoining land.

(b) Within three months from the date of this order, the operator shall submit to the planning authority for written agreement, revised proposals, prepared by a suitably qualified person having appropriate experience, for the provision of extensive woodland/forestry planting to screen the proposed quarry excavation and a satisfactory timeframe for the implementation of the scheme. This planting scheme shall be designed to provide a long-term screen for all future phases of quarrying operations at De Selby, particularly in respect of adjoining properties and from the surrounding area in general. The strip of planting along the western side of the proposed quarry extension shall have a minimum width of 30 metres (excluding the areas for proposed bench planting). The planting scheme shall be designed so as to ensure that trees planted close to adjoining farmland shall not cause excessive shading of those lands having regard to the northern orientation of the relevant lands. The agreed scheme shall be implemented to the satisfaction of the planning authority.

Reason: To ensure the satisfactory amelioration of the visual impact of the proposed development in the interest of amenity and the proper planning and sustainable development of the area, having regard to the location of the quarry on visually prominent lands within an area zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the South Dublin County Development Plan 2004-2010.

4. (a) Within 12 months from the date of this order, a comprehensive hydrological/hydrogeological survey of the entire quarry lands shall be undertaken. The survey shall include no less than four number boreholes to determine the approximate level of the groundwater in the quarry extraction area, both existing and proposed. Details of the survey and proposed mitigation measures to protect ground water resources, in particular wells, shall be submitted to and agreed with the planning authority.

(b) In the event of quarrying activities having an adverse impact on private walls in the vicinity, the quarry operator shall undertake appropriate remedial measures, as agreed with the planning authority, at his own expense and until the water supply has been restored or replaced.

Reason: In the interest of orderly development and to safeguard local amenities.

5. Operating hours for the development shall be restricted to between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1600 hours on Saturdays. The facilities shall not operate outside these hours or on Sundays or bank or public holidays.

Reason: In the interest of residential amenity.

6. Equivalent sound levels attributable to all on-site operations associated with the proposed development (excluding blasting) shall not exceed a level of 55 dB(A) L_{Aeq} (1 hour) between 0800 hours and 2000 hours and 45 dB(A) L_{Aeq} (1 hour) between 2000 hours and 0800 hours when measured at a sensitive receptor in the vicinity of the site. A quarterly noise survey and assessment programme shall be undertaken by a suitably qualified person having appropriate experience to assess the impact of noise emissions arising from activities on the site. Monitoring shall be carried out from at least three sampling points, one of which shall be at a location on the site boundary near to a noise sensitive receptor. The scope and methodology of this survey and assessment programme shall be submitted to the planning authority for written agreement within three months from the date of this order. Surveys shall be carried out in accordance with the 'Environmental Noise Survey – Guidance Document' 2003 issued by the Environmental Protection Agency or as may be amended from time to time. The results of the quarterly survey and assessment programme shall be submitted to the planning authority quarterly.

Reason: In the interest of residential amenity.

7. Total dust emissions arising from the on-site operations shall not exceed 350 milligrams per metre squared per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter at any position along the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, roads and circulation areas and equipment during periods of dry windy weather to prevent the emission of fugitive dust.

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

8. Blasting operations shall only take place between 1100 hours and 1700 hours, Monday to Friday. Monitoring of the noise and vibration arising out of blasting and the frequency shall be carried out at the operator's expense by an independent contractor agreed with the planning authority. Details of such a monitoring programme shall be submitted to the planning authority for written agreement within three months from the date of this order.

Reason: In the interest of residential amenity.

9. The vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any three mutually orthogonal directions. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. The air overpressure from any blast shall not exceed a value of 125B (Lin) maximum peak.

Reason: In the interest of public safety.

10. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.

Reason: In the interest of public safety.

11. Details including names, function and mobile number of all key personnel responsible for the operation of the quarry shall be provided to the planning authority. All changes in personnel or particulars shall be notified to the planning authority as soon as they occur. The operator shall provide all landowners and occupiers within 500 metres of the quarry lands as delineated by the red coloured line indicated on site location plan drawing number 3364-2001 Issue A received by the planning authority on the 31st day of January 2008, with appropriate contact details which may be used in the event that any such person which to inform of an incident in relation to quarry operations or otherwise make a complaint in respect of such activities. A public notice shall be erected and maintained at the entrance to the quarry. Such notice shall contain the name of the operating company and contact details, including out of hours contact details which may be used in the event that any person wishes to contact the quarry operator with regard to any aspect of quarry activities.

Reason: In the interest of the protecting the residential amenity of landowners and the general public in the area.

12. Access shall be granted to any authorised officer of the planning authority, the Health Service Executive or the Environmental Protection Agency 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 in accordance with this order.

Reason: In the interest of protecting public health and safety.

13. Within three months from the date of this order, the operator shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:

(a) Proposals for the suppression of on-site noise (in order to comply with conditions set out in this permission).

(b) Proposals for the on-going monitoring of sound emissions at dwellings to be agreed with the planning authority.

(c) Proposals for the suppression of dust on site and on the access road.

(d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

(e) Details of safety measures for the land above the proposed development, to include warning signs and stock-proof fencing (works shall be carried out within one month of the written agreement of the planning authority in accordance with these details).

(f) Management of all landscaping, with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.

(g) Monitoring of ground and surface water quality, levels and discharges.

The operator shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring and groundwater monitoring, details of such information shall be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.

Reason: In the interest of orderly development and to safeguard local amenities.

14. A suitable monitoring programme shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to the planning authority for written agreement within three months from the date of this order. This programme shall provide for monitoring to be carried out whenever a blast occurs at three sampling points, one of which shall be at a noise sensitive receptor. The programme shall provide for an annual review of all blast monitoring data to be undertaken by a suitably qualified person having appropriate experience, the results of which shall be submitted to the planning authority with the annual environmental audit. The operator shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: In the interest of protecting the residential amenity of adjoining landowners.

15. On an annual basis, for the lifetime of the facility (within three months from each year end), the operator shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the operator and made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority. This report shall contain:

(a) An annual topographical survey carried out by an independent qualified surveyor approved by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.

(b) A record of groundwater levels measured at monthly intervals.

(c) A full record of all results over the previous year for noise, dust, and water quality monitoring.

(d) A written record of all complaints, including actions taken on each complaint.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

16. During the next breeding season (September to February), a breeding bird survey shall be carried out on site. Details in this regard shall be submitted to the planning authority in consultation with the National Parks and Wildlife Services for written agreement of mitigation measures.

Reason: In the interest of protecting the biodiversity of the area.

17. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

18. Settlement ponds shall be regularly cleaned out by the operator to the satisfaction of the planning authority for the efficient operation of the ponds in an environmentally acceptable manner. Appropriate measures shall be put in place to prevent silt leaving the site in any drain or watercourse during the cleaning process. Silt removed from the settlement ponds shall be periodically covered with topsoil and seeded with grass to prevent subsequent dispersal.

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

19. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheelwashing facility which shall be operated in accordance with the requirements of the planning authority.

Reason: In the interest of the amenities of the area and of traffic safety and convenience.

20. All waste material shall be stored and disposed of in accordance with the requirements of the planning authority.

Reason: To safeguard the amenities of the area.

21. Fuel supplies and other services on-site shall be used only to service vehicles and machinery directly involved in the extraction of aggregate within the development site, the product of that aggregate on site, and the transport of those materials and products.

Reason: In the interest of orderly development.

22. All over ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including storm water, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

23. Within three months from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion and restoration of the planting and other landscaping of the site as required by condition number 3 of this order, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or restoration of any part of the planting/landscaping. The security to be lodged shall be, as follows-

(a) An approved insurance company bond in the sum of €140,000 (one hundred and forty thousand euro), or

(b) a cash sum of €140,000 (one hundred and forty thousand euro) to be applied by the planning authority at its absolute discretion if such completion/restoration is not provided to its satisfaction, or

(c) a letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

Reason: To ensure the satisfactory completion and restoration of planting/landscaping.

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

Dated this **day of** **2009.**

An Bord Pleanála

Board Direction

Ref: PL 06S.228842

The submissions on this file, the Inspector's report, further submissions and addendum report were considered at a Board meeting held on 23rd June, 2009.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown in manuscript on the attached copy of the Inspector's draft reasons, considerations and conditions.

Board Member:_____ Date: 24th June, 2009

Mary Mac Mahon



Memorandum

File Ref : PL 06S.228842

To : P. Thornton C.O.

cc. D. Johnson D.P.

From : B. Wyse ADP.

Date : 4 November 2008

Re : Issue of Retention/EIS – ECJ Judgement

The issue in this case focuses on whether or not the quarry can be considered to have been abandoned.

In brief the background is as follows:

- Application documentation/EIS indicates that the quarry has been in operation since c.1920. The applicants have operated the quarry since 1955. There is no dispute in relation to this information.

- The appellants, in particular C & A Kenny, cite substantial evidence in support of their claim that the quarry was abandoned from c.1980 to c.1997 when operations recommenced. Their submission includes reference to a Planning Authority Warning Notice issued in 2000 and a Planning Authority Enforcement File Ref. 1782.

- The Planning Authority's Planners Report indicates that Enf. Ref. 1782 is now closed as any possible enforcement action is now statute barred.

- The applicant's response to the appellant's case is to simply restate the outline history as indicated above and to state that the quarry was not abandoned. The response does not address the evidence for abandonment put by the appellants.

- There has not been any section 5 referral in relation to the quarry.

Options for the Board in the context of the ECJ judgement appear to be as follows:

1. To decide that it is not for the Board to determine the issue of abandonment within the context of this appeal as the relevant decision as to the pre-1964 status of the quarry was made by the Planning Authority in the issue of the

notice to the applicants requiring them to apply for planning permission pursuant to s.261(7) P&D Act 2000.

If the Board adopts this approach then the appeal can proceed to determination in the normal way.

2. To decide that the Board must come to a view on the issue of abandonment.

In this approach if it is decided that the quarry operation was abandoned then the appeal would be one involving a substantial retention element (quarrying since c.1997 to the present) where EIA was required. The case, therefore, would fall foul of the ECJ judgement.

It should be noted that if this course is adopted the Board might consider requesting the applicants to specifically address the evidence put by the appellants, that appears to indicate abandonment of the quarry for planning purposes, prior to deciding the matter. The request could be made with explicit reference to the ECJ judgement.

It should also be noted that, by letter dated 12 June 2008, the Board requested details of the Planning Authority's Registration and Enforcement files but no response appears to have been received.

If it is decided that the quarry operation was not abandoned then the appeal can proceed to determination in the normal way.

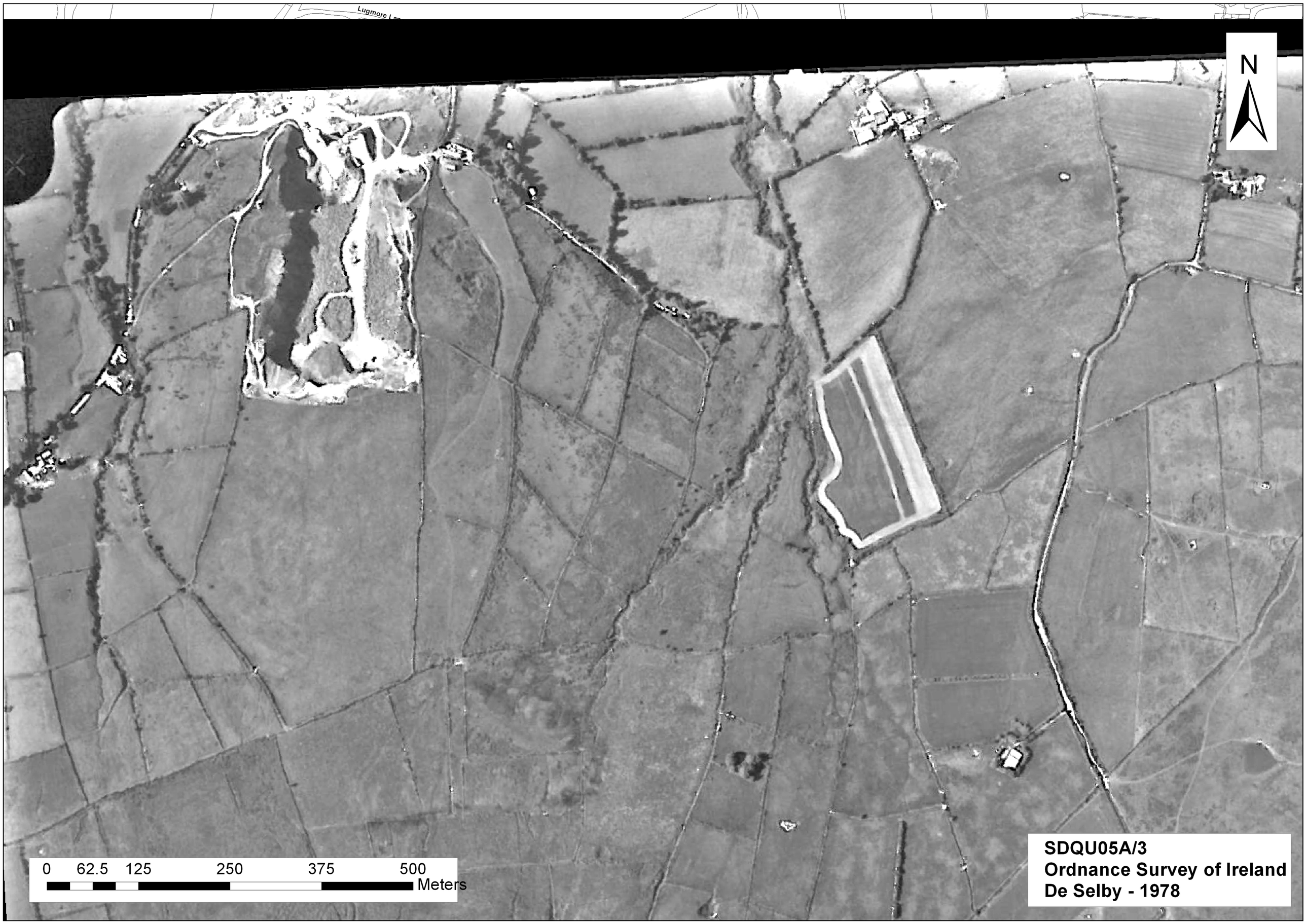
APPENDIX 7

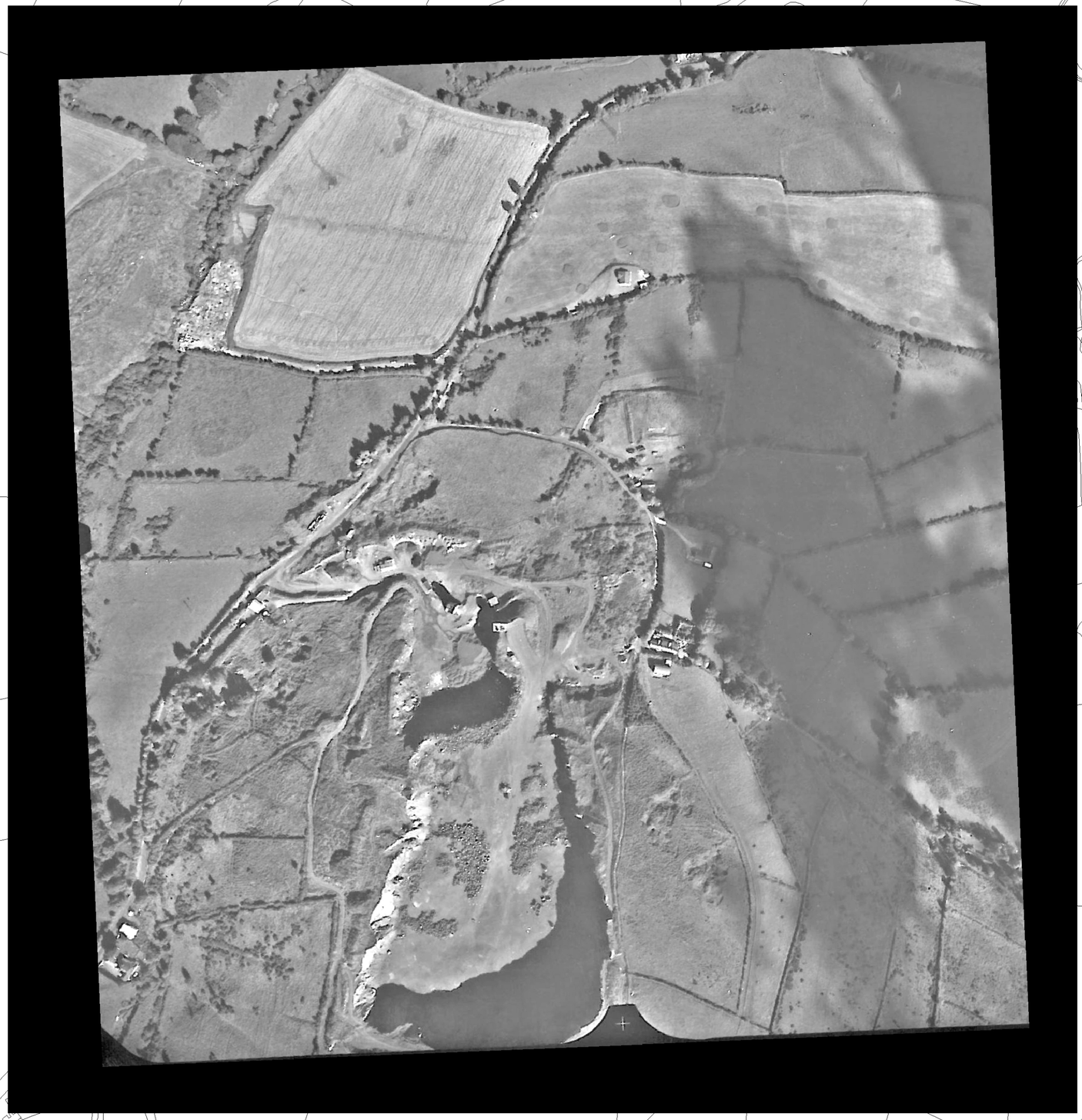
AERIAL PHOTOGRAPHY
1971
1978
1986
1995
2000
2005
2009

N

0 62.5 125 250 375 500
Meters

SDQU05A/3
Fairey Surveys of Ireland
De Selby - 1971

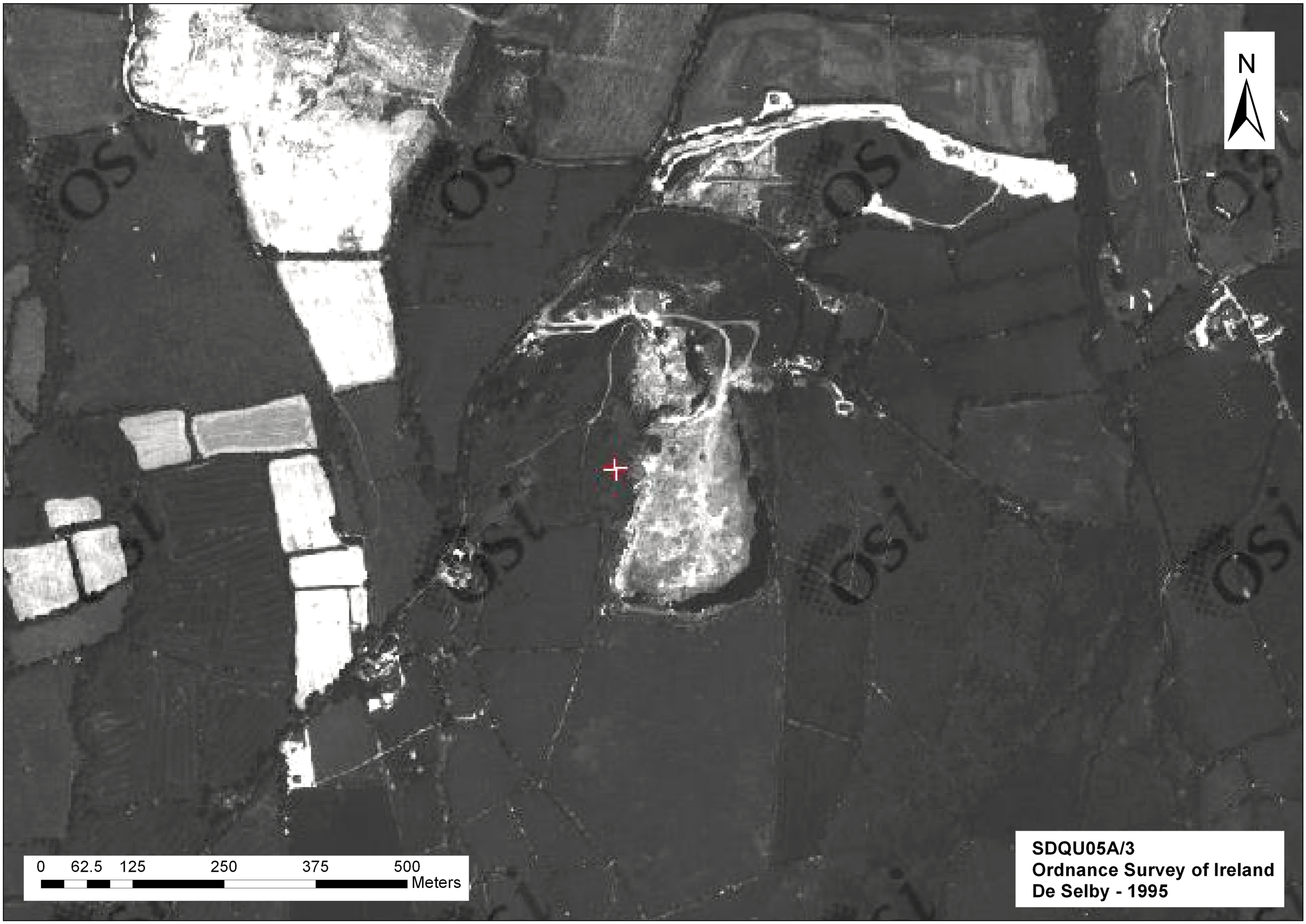

N
0 62.5 125 250 375 500
Meters
SDQU05A/3
Ordnance Survey of Ireland
De Selby - 1978



N

0 62.5 125 250 375 500
Meters

SDQU05A/3
Ordnance Survey of Ireland
De Selby - 1986


N
0 62.5 125 250 375 500
Meters
SDQU05A/3
Ordnance Survey of Ireland
De Selby - 1995


N
0 62.5 125 250 375 500
Meters
SDQU05A/3
Ordnance Survey of Ireland
De Selby- 2000


N
Lugmore Lane
0 62.5 125 250 375 500
Meters
SDQU05A/3
Ordnance Survey of Ireland
De Selby - 2005


N
0 62.5 125 250 375 500
Meters
SDQU05A/3
Ordnance Survey of Ireland
De Selby- 2009

N

Legend

- DeSelby 2009 Extent
- DeSelby 2005 Extent
- DeSelby 2000 Extent
- DeSelby 1995 Extent
- DeSelby 1986 Extent
- DeSelby 1978 Extent
- DeSelby 1971 Extent

0 62.5 125 250 375 500 Meters

SDQU05A/3
Ordnance Survey of Ireland
De Selby- 2009

APPENDIX 8
ORDNANCE SURVEY DUBLIN SHEET 21

1:10,560

RATHCOOLE.

DUBLIN SHEET 21.
(Revised 1912.)


Rathcoole
BALDONNEL AERODROME & MILITARY CAMP
BALDONNELL UPPER
BALDONNELL LOWER
BALLYMAKEA
BALLYMAKEA GREAT
BALLYMAKEA BEG
BALLYMAKEA LITTLE
BALLYMAKEA DEMESNE
BALLYMAKEA CASTLE
BALLYMAKEA HOUSE
BALLYMAKEA CROSS
BALLYMAKEA CROSS (Site of)
BALLYMAKEA CROSS (Remains of)

APPENDIX 9
S261 ORDER, REPORT, CONDITIONS

REGISTER REFEREFENCE
SDQU05A/3

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Orders

Section 261(7) of the Planning & Development Act, 2000 **P/021/07**

De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin
Register Reference SDQU05A/3

Correspondence has been received from Tobin Consulting Engineers on behalf of Roadstone Dublin Limited dated 30th March 2007 requesting the agreement of the Planning Authority to a further extension of the time period for the submission of a planning application and Environmental Impact Statement (EIS) in respect of the above quarry as required under Managers Order Ref. *P/059/06*, for a further period up to 15th June 2007.

The reason stated in the request for a further extension of the time period is that issues have recently arisen with regard to landownership which have implications for the design of the quarry and the development of an appropriate restoration plan. These have caused some delay in the preparation of sections of the application and EIS. It is envisaged by the consultants acting on behalf of Roadstone Dublin Limited that the application and EIS can be submitted by 15th June 2007.

It is considered that a further extension of the time period up to 15th June 2007 is reasonable under the stated circumstances.

I recommend that the period for the submission of the planning application and Environmental Impact Statement be further extended up to and including 15th June 2007.

Michael Kenny

Date: 17th April 2007 **SENIOR PLANNER**

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later than 15th June 2007 in respect of the continued operation of the aforementioned quarry, is hereby authorised.

Tom Doherty

Date: 17th April 2007 **DIRECTOR OF PLANNING**

COMHAIRLE CHONTAE ATHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL
Record of Executive Business and Manager's Orders

P/018/06

Section 261(7) of the Planning & Development Act, 2000

De Selby Quarry located at Corbally and Lugmore, Saggart

Section 261(7) of the Planning & Development Act, 2000

Having regard to the selection criteria prescribed by the Minister under Section 172(2)(e) of the Planning & Development Act 2000 and to the provisions of the South Dublin County Development Plan 2004-2010 it is considered that the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart operated by Roadstone Dublin Limited would be likely to have significant effects on the environment.

I therefore recommend that a Notice under Section 261(7) of the Planning & Development Act 2000 be served on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart.

Dated: 20th April 2006

Administrative Officer

Dated: 20/4/06

Senior Planner

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart, is hereby authorised.

Dated: 20/04/06

Deputy **County Manager**

SOUTH DUBLIN COUNTY COUNCIL

INTERNAL MEMORANDUM

Report re QUARRY REGISTRATION APPLICATION - SDQU05A/3

SUMMARY OF REGISTRATION APPLICATION

Date of Registration	22 April 2005
Location:	De Selby, Corbally and Lugmore, Saggart.
Operator:	Roadstone Dublin Ltd.
Area of Site:	51.3 ha.
Extractable Area:	43 ha.
Extracted Material:	Dolerite
Extraction Method:	Drilling & Blasting
Extraction Rate:	Not Stated
Operating Hours:	07.00 - 18.00
Vehicle Movements:	10 per hour
Ancillary Operations:	None
IPC Licence:	None
Other Licences:	None
Monitoring:	Blasting, Dust
Planning Status:	Pre 1st October 1964 (circa 1913)

SITE LOCATION AND DESCRIPTION

The site is located on elevated lands at Tallaght Hill accessed from Mountseskin Road linking the N81 at Kiltalown to Brittas village. The existing quarry is an extensive excavated area situated on the North facing slope of Tallaght Hill. It is enclosed on the East, South and West sides by steep vertical faces. The southern boundary of the site adjoins the boundary of the Kilsaran Concrete quarry lands at Ballinascorney.

DEVELOPMENT PLAN ZONING AND OTHER OBJECTIVES

Tallaght Hill is included in the Development Plan 2004-2010 as a prospect to be preserved. It is an objective of the Council to preserve this prospect as seen from viewing points at Blessington Road (Killinarden area), Naas Road, and Garter Lane Saggart. The quarry is visible from areas to the North of the site extending from the vicinity of Newcastle village to Tallaght Town Centre.

The area in which the site is located is zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the Development Plan 2004-2010. The land use activity 'Industry-Extractive' is 'open for consideration' in areas zoned Objective 'H'.

The relevant Development Plan Policies and Objectives are:-

2.3.17 Policy EE17: Extractive Industry
12.3.4 Extractive Industry
9.3.1 Policy LHA 1: Preservation of Landscape Character
9.3.2 Policy LHA 2: Views and Prospects
9.5.1 Policy LHA 15: Dublin Mountain and High Amenity Zones
12.12.7 Upland Mountain Areas/High Amenity Areas
13.5.1 Landscape.

PLANNING HISTORY:

No planning permission exists for this quarry.

ISSUES ARISING:

The extent of the extracted area of the quarry is not clear from the details submitted with the registration application.

The quarry site is located in an area in relation to which it is an objective of the Council "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area". The quarry workings at this location are visible in panoramic views of the Dublin Mountain Area looking southwards from areas in the vicinity of Newcastle village. There are no existing requirements in place under the planning code to ensure the effective reinstatement and landscaping of this quarry site.

The site is accessed from a minor road which joins the N81 at an uncontrolled junction. Heavy goods vehicle traffic generated by the De Selby quarry uses this junction. It is an objective of the Council to initiate works on the extension of the Tallaght By-pass as part of the current six year road development programme.

FURTHER INFORMATION
In accordance with Section 261(3) the applicant was requested by letter dated 30th August 2005 to submit further information as follows:

1. A revised site map to a scale of not less than 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.
2. Details of the current rate of extraction per annum.
3. Clarification as to the total number of vehicle movements generated per hour, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.
4. Details of any Environmental Management System in operation at the quarry

Further information was received 28 September 2005 as follows:
1. A revised map has been submitted as requested.

2. The annual rate of extraction has not been stated as it is stated to be commercially confidential. The submission states that this information will be provided on a confidential basis and requests a meeting to discuss the format. The submission notes that this item of information was not contained in the standard recommended section 261 registration form included in the
Guidelines for Planning Authorities (DOEHLG 2004) as the DOEHLG were considerate of the confidential nature of such information.

3. The submission confirms that the total number of vehicle movements generated by the quarry is 10 per hour calculated on the basis of two movements per vehicle. This equates to a total of 110 vehicle movements per day based on the stated operating hours.

4. A copy of a certificate has been submitted in respect of Registration of Environmental Management System at Roadstone Quarries including De Selby quarry, to I.S. EN ISO 14001:1996. The certificate is valid until 3rd September 2005 and a new certificate is awaited from the NSAI. The submission states that an EMS is operated at De Selby quarry and recorded under a number of listed procedural headings, and is available for inspection at the quarry site.

An examinination of the revised site map received 28 September 2005, submitted as Additional Information, and the most recent Ordnance Survey map for the area, indicates that the total area extracted to date at the De Selby Quarry exceeds 5 hectares.

ACTION OPEN TO THE COUNCIL UNDER SECTION 261:

Section 261(6)(i) - Impose Conditions on the Operation of the Quarry
In relation to a quarry which commenced operation before 1st October 1964, a planning authority may impose conditions on the operation of the quarry, having regard to the development plan and submissions or observations made pursuant to a notice under subsection (4) or (5), not later than 2 years from the registration of the quarry.

Section 261(7)(a) - Require Owner / Operator to Apply for Planning Permission
Where the continued operation of a quarry, the extracted area of which is greater than 5 hectares and that commenced operation before 1st October 1964, would be likely to have significant effects on the environment (having regard to any selection criteria prescribed by the Minister under Section 172(2)(e)) a planning authority shall not impose conditions on the operation of a quarry under Section 261(6)(i) but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of the service of the notice, or such other period as may be agreed with the planning authority.

The prescribed selection criteria for determining whether a development would or would not be likely to have significant effects on the environment are set out in Schedule 7 to the Planning & Development Regulations 2001 (S.I. No. 600).

The following criteria included in the prescribed selection criteria are considered relevant to the operation of the subject quarry:-

The characteristics of proposed development,
in particular:
- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,

The environmental sensitivity of geographical areas likely to be affected by proposed development,
having regard in particular to:
- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
    - mountain and forest areas,
    - landscapes of historical, cultural or archaeological significance.

The potential significant effects of proposed development in relation to criteria set out above and having regard in particular to:
- the extent of the impact (geographical area and size of the affected population);
- the magnitude and complexity of the impact;
- the probability of the impact;
- the duration, frequency and reversibility of the impact.

In considering an application made pursuant to Section 261(7)(a) a planning authority and An Bord Pleanala shall have regard to the existing use of the land as a quarry.

PUBLIC CONSULTATION - STATUTORY PUBLIC NOTICE

In accordance with Section 261(4) a public notice was published on the 19th October 2005 inviting submissions in relation to the quarry registration applications received by the Council. The notice stated in respect of the registered quarry at De Selby, Corbally, Tallaght, that the Planning Authority was considering requiring Roadstone Dublin Limited to submit a planning application and EIS.

Three submissions were received in relation to the subject quarry. A submission from Mr. Colm Kenny, Lugmore, Saggart stated as follows:
He welcomes the proposal to require a planning application and EIS in respect of the quarry at Lugmore, which is wholly justified by the negative and detrimental impact that the recommencement of quarrying has on the locality, and is necessary to be commenced as soon as possible to alleviate the intolerable conditions that exist presently at their home.

Upon inspection of the Register of Quarries regarding SDQU05A/3 he became aware of substantial false and misleading information in the registration. The following issues need to be clarified:

1. The combined areas of Folios 1731 and 2504 contain 20.09ha and not 51ha as stated in the application;
2. A map based on 1937 data has been used. When scaled from a certified OS map of scale 1:2,500 the extracted area is greater than the 4.8ha stated (measures 5.9ha);
3. It states no processing of materials is carried out at this location, yet in 2003 crushing and screening operations were ordered to cease by the EHO due to the pollution being caused by these operations.
4. It omits the type of traffic generated by these operations at this location.
5. It falsely states that it has operated since 1955 as this site was closed from 1981 to 1997 and no material was extracted or processed during that period of abandonment.
6. The details of noise, dust and nuisance are inadequate to form a basis of opinion.
7. All details of their ISO accredited Environmental Management System should be disclosed and correlated with the status of the site on the ground as is, and against photographic evidence of operations on the site.
8. As no extraction took place for 15 years the quarry use was extinguished and reverted back to 'nil use'. This would make its present use unauthorised and illegal.

A submission from Councillor John Hannon supports the submission made by Mr. Colm Kenny, and states that Mr Kenny has raised serious issues which are worthy of detailed consideration.

A submission from Roadstone Dublin Ltd. states that they do not consider that the De Selby quarry in the townlands of Corbally and Lugmore, Saggart, falls within the parameters set out in Section 261 i.e. that the continued operation of the quarry, in the opinion of the planning authority, is likely to have significant effects on the environment, and
(a) the extracted area is greater that 5 hectares, or
(b) the quarry is on land which is a European or other designated site.

The submission contends that:

1. The extracted area of the quarry is less than 5 hectares as indicated on the Site Layout Plan submitted on 28th September 2005 in response to the request for additional information.
2. The quarry is not located on land which is a European or other designated site.
3. The following information adequately demonstrates that Roadstone Dublin Ltd. is an environmentally responsible quarry operator and as such considers that our operations at the quarry do not have nor will have any significant effects on the environment.

The quarry is included in the Certificate of Registration of Environmental System I.S EN ISO !4001 accredited to Roadstone by the NSAI. An Environmental Management System is in operation at De Selby quarry. The site is audited annually by the NSAI and Roadstone's Environmental Officer, and the EMS is reviewed and updated each year. Roadstone Dublin Ltd. is a member of the Irish Concrete Federation and is committed to operating De Selby quarry in line with the current best practice guidelines as outlined in the ICF's publication 'Environmental Code for the Aggregate and Concrete Product Industries' (1966).
The environmental monitoring results for blasting (PPV and Air Overpressure) and dust (Total Dust Deposition) given in appendix D of the application are within the threshold limits as recommended in the DOEHLG publication 'Quarries and Ancillary Activities – Guidelines for Planning Authorities' April 2004.

Noise monitoring commissioned and carried out by consultants on behalf of Roadstone Dublin Ltd. subsequent to submission of the application concludes that the noise generated by the activities at the quarry is within the threshold limits as recommended by the Environmental Protection Agency (EPA) when measured at sensitive locations. Water is not discharged from the quarry. Mitigation measures employed on site, to ensure the safe usage and storage of hydrocarbons, and to ensure that traffic associated with the site does not impact negatively on the environment or the local area, are outlined.

The submissions asks the Planning Authority to carefully consider the information outlined in the submission and to impose conditions on the operations of De Selby Quarry, as provided for under subsection (6)(a)(i) of section 261 of the Planning and Development Act 2000, to ensure continued compliance.

CONSULTATION WITH QUARRY OWNER

In accordance with section 261(5)(a)(ii) of the Planning & Development Act 2000 Roadstone Dublin Limited was advised by letter dated 21st February 2006, that the planning authority intends to require the submission of a planning application accompanied by an environmental impact statement in respect of the quarrying operation at the subject quarry, having regard to:

(1) the policies and objectives included in the South Dublin County Development Plan 2004-2010, including land use zoning, extractive industry, views and prospects, landscape protection, natural and built heritage, pollution, traffic, and amenities; and

(2) to the extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation, and the potential for further quarrying; and

(3) to the selection criteria prescribed by the Minister under Section 176(2)(e).

In response to the above letter a submission was received from John Barnett & Associates dated 6th April 2006, on behalf of Roadstone Dublin Limited. The submission states that Roadstone Dublin Limited does not agree with South Dublin County Council's proposal in respect of this quarry. It states that the continued operation of the quarry would not be likely to have 'significant effects on the environment', as evidenced by the submission content. It further contends that section 261(7) requires the planning authority to consider the development only 'having regard to the selection criteria prescribed by the Minister under Section 176(2)(e), i.e. item (3) above. The submission requests the planning authority to reconsider its proposal and to impose conditions on the operation of the quarry in accordance with section 261(6)(a)(i) of the Act.

In support of its contention that the continued operation of the quarry would not be likely to have 'significant effects on the environment' the submission comments on each of the numbered items cited in the council's letter of 21st February, 2006, and refers to the results of noise and dust monitoring carried out on the site as set out in Appendix B to the submission.

In summary the submission contends that with regard to Item (1):

- In relation to Land Use Zoning; De Selby quarry is located below the 350 metre OD contour level and stone extraction is a long established land-use in the area (pre-dating the introduction of county development plans). Quarrying operations are consistent with, and not precluded by the current land use zoning.

- In relation to Extractive Industry; De Selby quarry is an existing quarry and stone extraction is a long established land use in the area. Quarries by their nature are tied to aggregate resource locations. The dolerite deposit at De Selby is a high quality stone resource and aggregate materials are supplied to site development and infrastructure projects in the Greater Dublin Area (for example, the Dublin Light Rail LUAS scheme). Roadstone Dublin Limited has implemented an Environmental Management System at the quarry. This includes best practice mitigation measures and environmental monitoring programme (dust deposition, noise, and blasting). The quarry is worked as a 'dry' operation and no groundwater control measures are required in the day to day quarry operation. The fuel storage tank is bunded. Stone processing is carried out by mobile plant located within the quarry floor. The quarry operates within the Quarries and Ancillary Activities - Guidelines for Planning Authorities, and the future environmental management / monitoring at the quarry can be adequately addressed by way of imposing conditions on the development, as provided for under section 261(6).

- In relation to Views and Prospects / Landscape Protection; De Selby quarry, by virtue of its location / elevation / method and direction of working does not and will not impact on any of the Prospects listed in Table 13.9 of the County Development Plan from viewing points at Blessington Road (Killinarden Area), Naas Road, Garter Lane (Saggart) or Rathcoole Lucan RoadR120 (in the vicinity of Milltown) related to Tallaght Hill, Knockannavea, Verschoyles Hill. On this basis the continued operation of the quarry will not result in any significant environmental (visual / landscape) effects.

- In relation to Natural and Built Environment; the quarry is not located within any ecological area included in table 13.10 of the County Development Plan. Lugmore Glen (National Parks and Wildlife Service Code o1212) is approximately 0.5km to the east of the quarry. There is one Recorded Monument located in the south western part of the quarry lands RMR 024-019 (Enclosure Site). There are three other Recorded Monuments located 50 -100 metres outside the eastern boundary of the quarry lands. Roadstone Dublin Limited complies with the Code of Practice agreed between the Irish Concrete Federation and the Minister for Arts, Heritage, Gaeltacht and the Islands (2002). The company will ensure that all topsoil stripping operations are monitored by a licensed archaeologist, and the quarry working scheme is designed to minimise impact on any known archaeological site. There are no Protected Structures located within the quarry lands. The nearest Protected Structure is located approximately 100 metres from the eastern boundary (Ref No. 373). On this basis the continued operation of the quarry will not result in any significant effects on the natural or built environment.

- In relation to Traffic; There is and will be no significant traffic impact from the continued operation of the quarry. Notwithstanding this Roadstone Dublin Limited will liaise with the area engineer to ensure adequate signage is provided to inform road users of the quarry entrance etc. and would be happy to accept an imposed condition in this regard.

In summary the submission contends that with regard to Item (2):

- In relation to the extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation and the potential for further quarrying; Roadstone Dublin Limited has assessed the extracted area of the existing quarry to be 4.8 hectares(< 5 hectares 'extracted' area threshold limit). South Dublin County Council state that the "total area extracted to date at the De Selby quarry exceeds 5 hectares". Notwithstanding this difference, it is clear that even if the quarry exceeds the 5 hectares 'extracted' area limit, it is only by a small amount.

  The existing quarry can be considered small to medium scale by its nature and extent when compared to other quarries located within the Greater Dublin Area. Rock is extracted using industry standard blasting techniques. Blasting is carried out 3 to 4 times a year. The fragmented rock is crushed and screened using mobile processing plant located within the quarry floor to produce a range of aggregate products. No aggregate washing is carried out.

  Future quarrying will continue in accordance with current operational practice. Where a material change is to occur (in terms of introducing value added manufacturing activities (concrete or asphalt), or an increase in the scale of the operations) then such a change will require planning permission. Future quarrying in a southerly direction will remain below the 350 metre OD contour level.

In summary the submission contends the following with regard to the selection criteria prescribed by the Minister under Section 176(2)(e):

1. *The characteristics of the proposed development,* in particular:
   - In relation to the Size of the Proposed Development; Notwithstanding the difference in the assessment of the extent of the extracted area, the DoEHLG guidance as set out in 'Environmental Impact Assessment - Guidance for Consent Authorities regarding Sub-Threshold Development' Section 4.1 states that 'consideration of significant effects would not therefore be determined by reference to size only. The nature and location of the development must also be taken into account'. Quarrying operations have been carried out at De Selby Quarry since 1910's / 1920's and Roadstone Dublin Limited has operated the quarry since 1955. There is no evidence to indicate that the size of the quarry has resulted in any significant environmental effects. The environmental management practice and mitigation measures in place at the quarry, in conjunction with the accredited ISO 14001 EMS ensure that quarry operations do not impact significantly on the environment.

   - In relation to the Cumulation with Other Proposed Development; There are no other quarries in the vicinity of De Selby quarry and therefore no cumulative effects on the environment arise in this case.

   - In relation to the Use of Natural Resources; DE Selby quarry works Dolerite stone deposits. Roadstone Dublin Limited recognises that the dolerite deposits are a finite resource and extraction is managed in a sustainable manner. The dolerite stone is extracted and processed in an efficient sustainable manner thereby ensuring that there are sufficient extractable shale reserves for future generations whilst ensuring adequate security of supply for present development in the Greater Dublin Area.

   - In relation to the Production of Waste; no waste is produced during extraction / processing of dolerite into aggregate products at the quarry. The EMS implemented at the quarry provides for the management of any man-made waste arising on the site. All recyclable materials are segregated on site to facilitate economic and safe recycling or disposal prior to being collected by licensed waste contractors. On this basis the waste management procedures in place at the quarry will not result in any significant effect on the environment.

- In relation to Pollution And Nuisances; No significant pollution or nuisances arise from the quarry.
  Noise monitoring carried out at the quarry indicates that the development complies with the DOEHLG recommended threshold limits of <55 dB(A) $_{Laeq\ 1\ hour}$ measured at the nearest noise sensitive location. Records of noise monitoring are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry. These include;
  - Use of screening berms
  - Location of mobile stone processing plant on the quarry floor
  - Minimising drop heights of material from plant and machinery
  - Regular maintenance of plant and machinery
  - Internal traffic routing and using haul roads with as low a gradient as possible

  The environmental noise results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise noise levels.

- Dust Monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) threshold limits of <350 mg/m2/day (averaged over 30 days) measured at the site boundary. Records of dust monitoring are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry. These include;
  - Screening berms are vegetated to eliminate wind blown dust
  - Use of water bowser to suppress dust on internal haul roads during dry weather
  - Location of mobile stone processing plant on the quarry floor
  - Minimising drop heights of material from plant and machinery
  - Regular maintenance of plant and machinery
  - Regular cleaning of entrance area if necessary

  The dust deposition results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise dust deposition levels.

- Blasting: Blast monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) recommended threshold limits for groundborne vibration of 12 mm/sec (peak particle velocity), and for air overpressure of 125 dB (Lin) – 95% confidence limit, measured at the nearest noise sensitive location. Records of blasts are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry. These include;
  - Experienced professionals are used to design and carry out blasting operations
  - Use of time delays to limit maximum instantaneous charge
  - Use of appropriate stemming

  The blast monitoring results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise the impact of blasting operations.

- Water: De Selby Quarry is operated as a 'dry' quarry. No groundwater control is required. There is no discharge of any trade effluent from the quarry to surface water. The following best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry;
  - Fuel storage tank is bunded
  - Bund integrity is inspected regularly, and tested every three years
  - Fill point is located within the bunded area
  - A spill kit is provided on site, in the unlikely event of an accidental spillage
  - Oils / lubricants are stored on spill pallets
  - Septic tank

  These measures ensure that the quarry does not result in any significant effect on surface water or groundwater.

- Waste Management; As stated previously.

- Traffic / Transport; The following measures are in place to ensure that traffic does not result in any significant environmental effects;
    - specific traffic routing
    - Ensuring all trucks are not over-loaded
    - Provision of car parking on site for employees and visitors
    - Provision of truck parking on site
    - Maintenance of vehicles
    - Maintenance of internal haul roads

2. The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- In relation to the existing land use; The De Selby quarry is an existing quarry, not a proposed development. The existing land use within the site is dolerite extraction and processing. Quarry operations have been carried out on the lands since 1910's / 1920's. Roadstone took over the operation in 1955. This submission confirms that the quarry will not result in significant environmental effects.

- The relative abundance, quality and regenerative capacity of natural resources in the area; The quarry is developed in a dolerite stone resource. The quarry rock faces will recolonise and regenerate resulting in ideal nesting habitiats for bird species. Quarries are recognised as contributing significantly to the biodiversity of local areas, and the subject quarry is no exception.

- The absorption capacity of the natural environment, paying particular attention to the following areas; (a) mountain and forest areas, and (b) landscapes of historical, cultural or archaeological significance: The site is not located within any designated ecological area. The existing best practice environmental mitigation measures in place at the quarry, together with the ISO 14001 accredited EMS, ensure that the quarry operations do not result in any significant impact on mountainous and forest areas, or landscapes of historical, cultural or archaeological significance.

3. The potential significant effects of the proposed development in relation to criteria *set out under paragraphs 1 and 2 above and having regard in particular to:*

- In relation to the extent of the impact (geographical area); The best practice environmental mitigation measures implemented at the quarry ensure that the extent of any potential impacts is effectively limited to within the quarry land. Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DoEHLG (2004) guidelines.

In relation to the probability of the impact;

- Roadstone Dublin Limited implement an ISO 14001 accredited EMS at De Selby Quarry. This management system provides for ongoing environmental management and monitoring of quarry operations at the site. Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DOEHLG Guidelines (2004). On this basis and considering this overall submission, it is clear that quarrying operations at the quarry will not have any significant effect on the environment.

In relation to the duration and reversibility of the impact;

- Extraction operations are in effect a temporary land-use with the lands being restored to beneficial long-term after-use on cessation of quarrying activities. Roadstone Dublin Limited proposes to restore De Selby Quarry to a natural habitat / nature conservation area that will enhance the biodiversity of the area. The company have made long-term financial provision for such restoration works. A restoration and after-use plan is currently being prepared for the quarry, and Roadstone Dublin Limited would be pleased to accept imposition of a condition in this regard.

The submission concludes that based on the responses outlined above to each of the criteria stated in Schedule 7 and considering the:

i) results of the ongoing environmental monitoring programme
ii) implementation of current best practice mitigation measures
iii) long-term nature of the existing quarrying operations on the site (since before 1st October 1964
iv) relatively small scale nature of the operation
v) location of the quarry

it is clear that the extraction operations at the De Selby quarry will not result in significant environmental effects.

DEPARTMENTAL REPORTS

Environmental Health Officer: The report states that, in relation to air and noise pollution, the submission received 6th April 2006 in relation to Roadstone Dublin Limited quarry at De Selby demonstrates compliance with the standards contained in the "Environmental Management Guidelines for the Extractive Industry (Non Scheduled Minerals)" (Draft), published by the Environmental Protection Agency. Accordingly there is no evidence to suggest that any pollution effects of the Quarry could not be mitigated. The report recommends that conditions to ensure the application of these standards should be attached to this operation.

Roads Department: The report states that the present level of traffic from the above quarry does not create traffic problems and Roads Department have no objection to its continuation at present levels i.e. 5 No lorries per hour entering and leaving the quarry.

ASSESSMENT

As noted earlier the quarry site is located in an area in relation to which it is an objective of the Council "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area" (Zoning Objective 'H').

The quarry is visible over a wide area extending from Newcastle village across to Tallaght Town Centre. It is prominent in views from public roads in the Townland of Crooksling where it is an objective of the Planning Authority to preserve views. It is considered that the quarry constitutes a visible scar on the landscape, having regard to its prominent location and scale, and to the extent of the resulting discordant disruption of the natural landform in the area.

The lands on which the subject quarry is located adjoin lands to the south in the Townland of Mountseskin which have been registered as a quarry under Register Reference SDQU05A/6, the extractable area of which is indicated to extend to the common boundary with the subject quarry lands in the Townland of Corbally on the relevant map on register reference SDQU05A/6.

It is noted that the consideration of the visual impact of the existing quarry operation in the submission by Barnett and Associates does not take account of the Development Plan objectives to protect views of the area in the vicinity of the quarry from public roads in the area.

Having regard to the characteristics of the subject quarry operation, to the environmental sensitivity of the geographical area in which the quarry is located, and to the potential significant effects of the quarry operation, it is considered that the quarry operation would be likely to have significant adverse effects on the environment, having regard to the criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000,

RECOMMENDATION

Having regard to the criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000, and having

regard to the characteristics of the subject quarry operation and in particular to the visual prominence of the quarry workings, the environmental sensitivity of the geographical area in which the quarry is located as determined by the zoning objective for the area and the designation of views and prospects to be protected in the vicinity of the site, and the potential significant effects of the quarry operation in relation to the criteria set out above including the potential cumulative impact of the quarry workings in conjunction with future quarrying on the adjoining quarry lands, it is considered that the continued operation of the quarry would be likely to have significant adverse effects on the environment.

It is therefore appropriate that, in accordance with Section 261(7)(a), the owner / operator of the quarry be required to apply for planning permission in relation to the continued operation of the quarry and to submit an Environmental Impact Statement to the planning authority, not later than 6 months from the date of the service of the notice, or such other period as may be agreed in writing with the planning authority.

It should be noted that in accordance with section 261(10)(b) any quarry in respect of which a notification under subsection (7) applies shall, unless a planning application in respect of the quarry is submitted to the planning authority within the specified period, be unauthorised development.

Robert Matthews
Senior Executive Planner

2014.

Michael Kenny
Senior Planner

SOUTH DUBLIN COUNTY COUNCIL

APPLICATION FORM FOR REGISTRATION OF A QUARRY UNDER SECTION 261 OF THE PLANNING AND DEVELOPMENT ACT, 2000

Please answer all questions on the application form

Details of Quarry Owner / Operator

Name of Owner / Operator of Quarry	Roadstone Dublin Limited		
Address for correspondence:	S Geraghty, Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24		
Telephone number	(01) 4041307	Mobile Telephone No	(087) 2138730
Fax No	(01) 4141018	E-mail Address (if any)	sgeraghty@roadstone.ie

If owner/operator is a company, please state-:

Name of Company	Roadstone Dublin Limited
Names of Company Directors	See Appendix A
Registered Address of Company	Fortunestown, Tallaght, Dublin 24
Companies Office Registration Number	11035

Landowner and Location details

Name and address of landowner (if different from owner / operator)	N/A
~~Location~~, townland or ~~postal address~~ of quarry	Townlands of Corbally & Lugmore

A site location map to a scale of not less than 1:2500 should be submitted with the application for registration. The map should indicate
(b) the current site boundary (outlined in red) and
(b) the current workable area (outlined in blue) **See Appendix F**
State the Ordnance Survey Map Ref No. and the Grid Reference if available

Folio No(s). of lands on which Quarry is located	See Appendix B
When were the lands in each Folio acquired for Quarrying purposes.	See Appendix B

Planning History of Quarry

Was planning permission granted for the Quarry under Part IV of the Local Government (Planning and Development) Act, 1963 **or** Part III of the Planning and Development Act 2000? (If yes, please quote the reference number of the permission and include a copy if possible)	YES ☐ NO ■ Planning Register Reference Numbers.
Did the quarry commence operation before 1 October 1964 If YES, supporting documentary evidence should be submitted with your application.	YES ■ NO ☐ See Appendix G
If YES, what date did the Quarry operation commence on the land? If the operation of the quarry was only periodic, please give details of dates of operation if known (See Chapter 5 of Guidelines)	Circa 1913 The Quarry has been in operation since the 1910's or 1920's. Roadstone has operated the Quarry continuously since 1955.

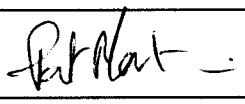
Details of Quarry Operation

Are quarry operations currently being carried out on the site?	YES ■ NO □	
Is the site normally used for quarry operations on a seasonal or occasional basis?	YES □ NO ■	
Are quarry operations temporarily suspended? If YES when were quarry operations last carried out on the site?	YES □ NO ■	
Total area of Quarry (hectares) including extracted area	51.3	hectares
Type of material being extracted	Dolerite	
Annual extraction rate (tonnes)	Commercially confidential information	
Method of extraction	Drill and blast	
Please give details of any ancillary processing or manufacturing operations on the site (e.g. concrete blocks, asphalt, etc.)	None	

Quarry Operational Details

Plant operating hours	(a) Weekdays	0700 hrs to 1800 hrs
	(b) Saturdays	0700 hrs to 1800 hrs
Loading/Off-site Haulage Hours (if different from above)	(a) Weekdays	0700 hrs to 1800 hrs
	(b) Saturdays	0700 hrs to 1800 hrs
Operating hours (outside normal Opening hours) to service exceptional customer requirements:	(a) Weekdays	See Appendix C
	(b) Saturdays	See Appendix C
Give details of the traffic generated by the operation of the quarry?	Ten (10) tipper truck movements per hour, that is, five (5) entering and five (5) leaving the quarry per hour	
Give type and frequency of vehicles entering and leaving the quarry.	Same as above	
Please give details of emissions (noise, dust, water, etc) from the quarry where measurements are available.	See Appendix D	

Please note that any changes to the particulars set out above must be brought to the attention of the Planning Authority as soon as possible.

Full Name (BLOCK CAPITALS)	PATRICK MARTIN
Signature	
Position with firm / company *(if applicable)* [2]	DIRECTOR
Date	22/4/05

[2] Where registration is on behalf of a company, the form must be signed by a company director/secretary

*(**Note:** You are advised that additional details can be submitted in separate sheets where the Application Form does not give adequate space.)*

This application for registration when completed should be forwarded on or before 27th April 2005 to -

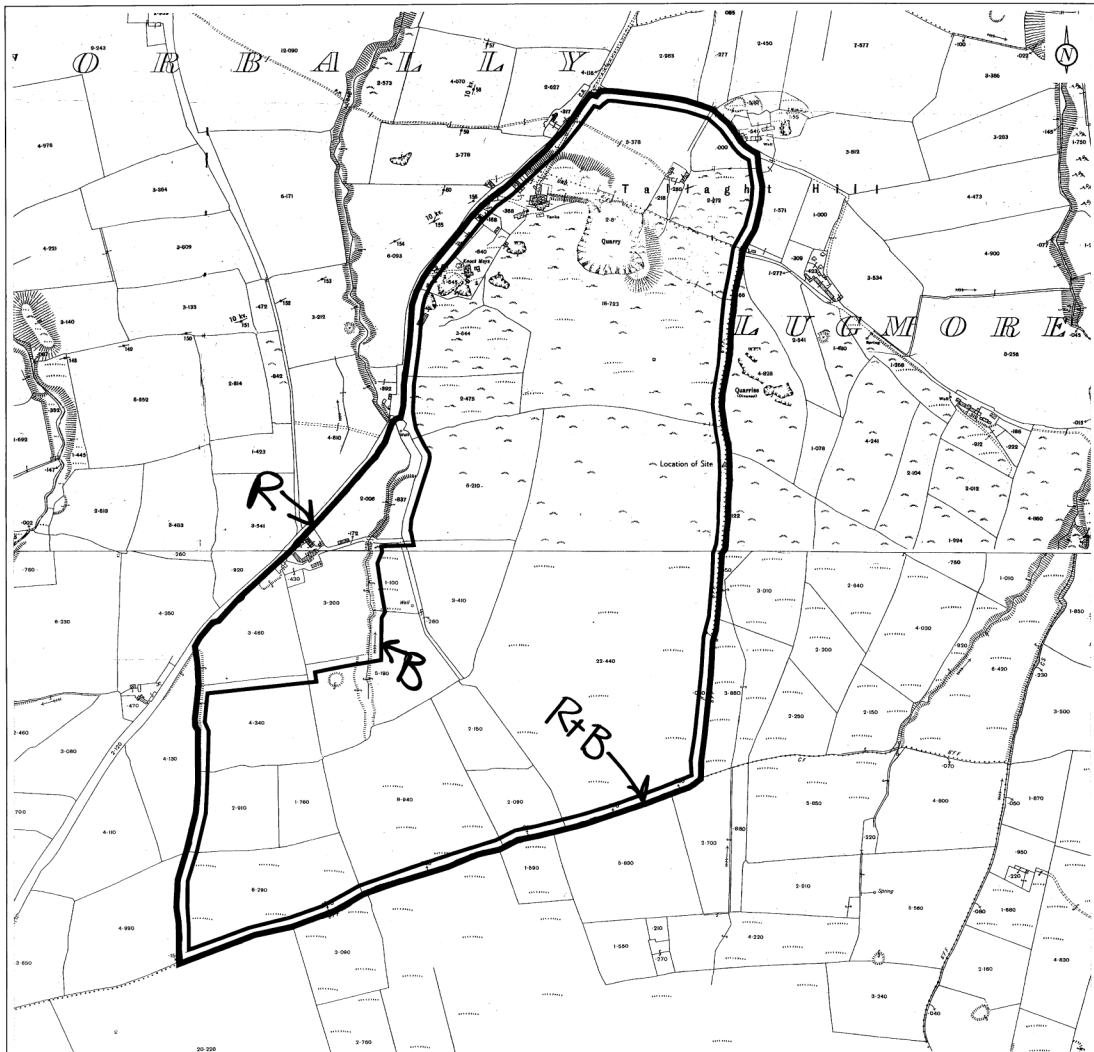
Planning Department,
South Dublin County Council,
County Hall,
Town Centre,
Tallaght,
Dublin 24.

1:10,560

RATHCOOLE.

DUBLIN SHEET 21.
(Revised 1912.)


Rathcoole
BALDONNEL AERODROME & MILITARY CAMP
BALDONNELL UPPER
BALDONNELL LOWER
BALLYMAKEA
BALLYMAKEA GREAT
BALLYMAKEA BEG
BALLYMAKEA LITTLE
BALLYMAKEA DEMESNE
BALLYMAKEA CASTLE
BALLYMAKEA HOUSE
BALLYMAKEA CROSS
BALLYMAKEA CROSS (Site of)
BALLYMAKEA CROSS (Remains of)



LEGEND

Applicants Interest (c. 51.3ha)

Extraction Area (c. 43.9ha)

Scale 1:2500

0m 100m 300m

Based on 1:2500 scale digital map Sheet No. Dublin 21-15, 24-3 provided by Ordnance Survey Ireland

Ordnance Survey Ireland Licence No. SU 0000705 (c) Government of Ireland

roadstone

ROADSTONE DUBLIN LTD.
FORTUNESTOWN
TALLAGHT
DUBLIN 24

Project:

Roadstone Dublin Ltd.

De Selby, Saggart, Co. Dublin

Section 261 Site Plan

Title:

Site Layout Plan

Figure 1

Author: pmc

Date: Mar 2005

Ref: 3371

Roadstone Dublin Ltd.

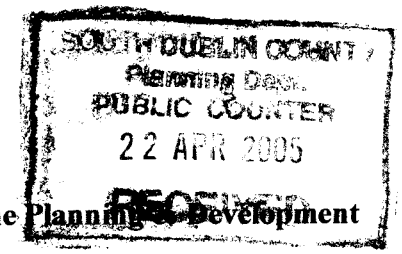
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Tallaght
Dublin 24

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Fax: (+353 1) 404 1321
Web: www.roadstone.ie
email: info@roadstone.ie

SDQ405A/3

20th April 2005

Planning Department
South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24



BY HAND

Re: Registration of a Quarry under Section 261 of the Planning & Development Act, 2000 – De Selby Quarry

Dear Sir/Madam,

Please find attached the following registration documentation for our quarry in the Townlands of Corbally and Lugmore, Mount Seskin Road, Saggart, Co. Dublin.

- Completed Registration Form
- 1:2500 Map (see Appendix F – Figure 1)
- List of Company Directors
- List of Land Registry Folios
- Evidence of pre 1st October 1964 status
- Environmental Monitoring Results – dust deposition and blasting (ground borne vibration & air overpressure)

Roadstone Dublin Limited has operated an environmental management system (EMS) since 2001. This EMS covers De Selby Quarry, and addresses all of the environmental aspects of quarrying at the site. Our EMS has ISO 14001 accreditation, certified by the NSAI.

The monitoring results submitted as part of this registration confirm that quarrying activities at this site comply with the environmental thresholds set out in Section 4.7 of the Quarries and Ancillary Activities: Guidelines for Planning Authorities (Department of Environment, Heritage & Local Government (DoEHLG)).

Directors: A. M. O'Loghlen Chairman, J. Farrell Managing, S Alegre, F. Byrne, R. O. Clarke, D. J. Dempsey, D. Doyle, O. Mahon, P. G. Martin, M. O'Connor, G. Richardson, G. Gowran Secretary
Registered in Ireland Reg. No. 11035. Registered Office Fortunestown, Tallaght, Dublin 24.
A CRH Group Company

The quarry commenced operations before 1st October 1964. It is not located within a European or other designated site. The company considers that the local authority should impose conditions on the operation of the quarry, as provided for under Section 261 of the Planning & Development Act, 2000.

Please confirm receipt of this quarry registration. Any future correspondence in relation to this matter should be addressed to the undersigned at Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24.

Yours faithfully,

Shane Geraghty
ROADSTONE DUBLIN LIMITED

Enc. Copy of Registration Documentation – De Selby Quarry

APPENDIX A

Names of Company Directors

- A.M. O'Loghlen (Chairman)
- J. Farrell (Managing)
- S. Alegre
- F. Byrne
- R.O. Clarke
- D.J. Dempsey
- D. Doyle
- O. Mahon
- P.G. Martin
- M. O'Connor
- G. Richardson
- G. Gowran (Secretary)

APPENDIX B

Folio No(s) of lands on which Quarry is located

When were the lands in each Folio acquired for Quarrying purposes

Folio	Date of purchase
1731	1955
Unregistered conveyance dated 1955	1955
2504	1957
Unregistered conveyance dated 19th October 1961	1961

APPENDIX C

Operating hours (outside normal Opening hours) to service exceptional customer requirements

Quarry plant operating hours and loading/off-site haulage hours can vary depending on circumstances to service exceptional requirements, for example, Local Authority road works on city and town streets, National Roads Authority demands, Iarnrod Eireann works, or other such similar requirements.

APPENDIX D

Please give details of emissions (noise, dust, water, etc.) from the quarry where measurements are available

The following monitoring results are attached –

- Blasting
- Dust

See Figure 2 – Environmental Monitoring Location map

BLAST MONITORING

RESULTS

Blast Monitoring Results – De Selby Quarry

Date	Location	PPV			Air Overpressure dB(L)
		Tran (mm/s)	Vert (mm/s)	Long (mm/s)	
8/7/03	BM1	5.0	4.0	3.0	128.0
8/7/03	BM2	4.1	4.5	5.5	127.0
28/1/04	BM1	2.7	4.1	2.0	120.0
2/12/04	BM1	4.1	3.3	3.0	131.0
2/12/04	BM2	3.5	4.0	5.7	132.0

Blast monitoring was carried out using a portable unit at fixed monitoring locations.

Note:-

Department of Environment, Heritage & Local Government (2004): "Quarries and Ancillary Activities – Guidelines for Planning Authorities"
Peak Particle Velocity (PPV) shall not exceed 12 millimetres per second and Air Overpressure shall not exceed 125 dB(Lin)max. peak with a 95% confidence limit.

DUST MONITORING

RESULTS

Dust Monitoring Results

Type: Dust Deposition

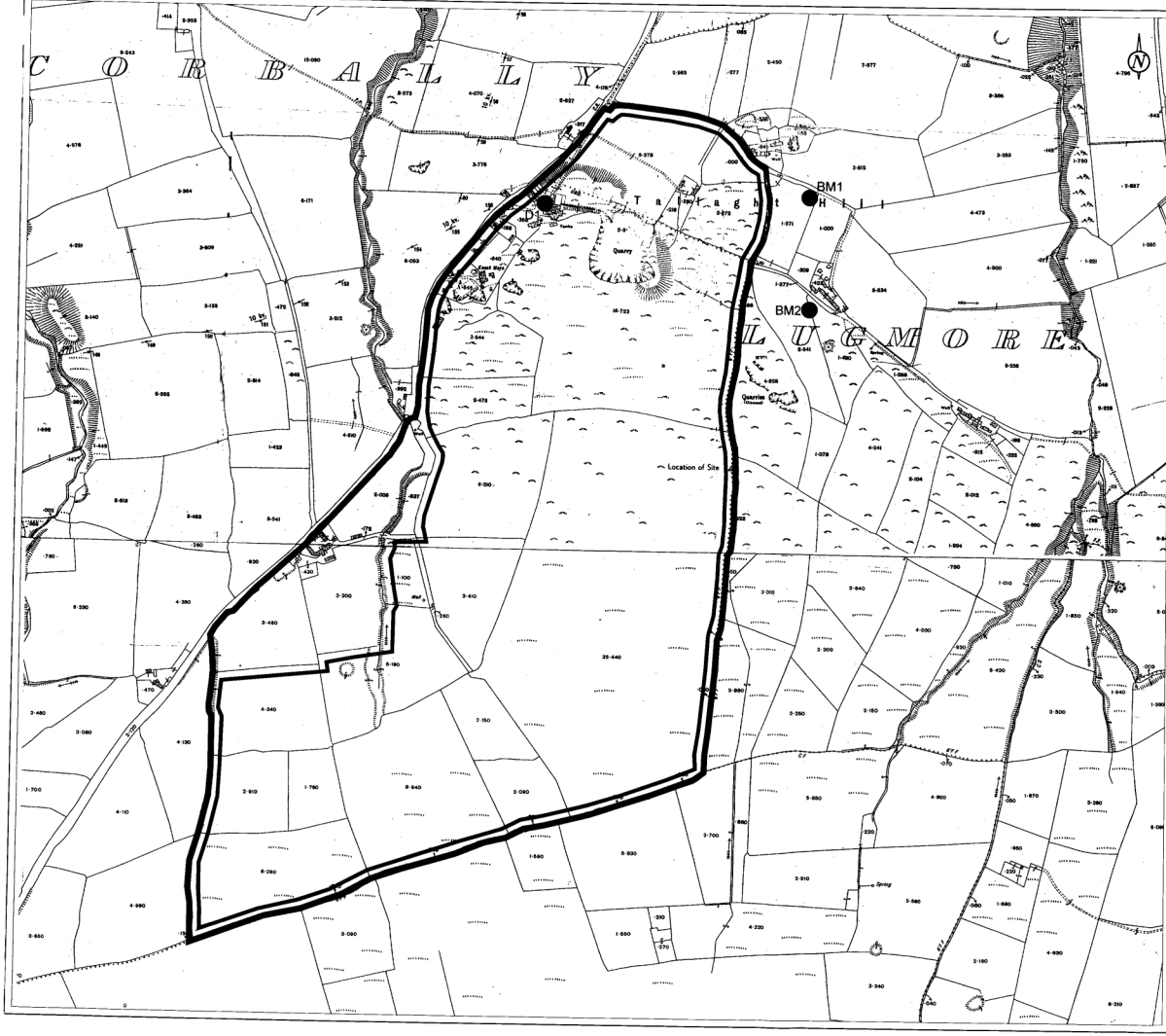
Method: Bergerhoff Horizontal Gauge (Total Dust)

Location: De Selby Quarry

Date	Location	Apr	Sep	Mean
		Total Dust (mg/m²/day) averaged over 30 days		
2004				
	D1	31	73	52

Note:-

Department of Environment, Heritage & Local Government (2004): "Quarries and Ancillary Activities - Guidelines for Planning Authorities"
Total Dust Deposition (soluble and insoluble): Threshold limit is 350 milligrams per square metre per day (when averaged over a 30-day period).



LEGEND

- Applicants Interest (c. 51.3ha)
- Extraction Area (c. 43.9ha)
- D1 Dust Monitoring Location
- BM1 Blast Monitoring Location

Scale 1:5000

0m 100m 300m

Based on 1:2500 scale digital map Sheet No. Dublin 21-15, 24-3 provided by Ordnance Survey Ireland

Ordnance Survey Ireland Licence No. SU 0000705 (c) Government of Ireland

roadstone

ROADSTONE DUBLIN LTD.
FORTUNESTOWN
TALLAGHT
DUBLIN 24

Project:

Roadstone Dublin Ltd.

De Selby, Saggart, Co. Dublin

Section 261 Site Plan

Title:

Environmental Monitoring Location

Figure 2

Author: pmc

Date: Mar 2005

Ref: 3371

APPENDIX E

Documentation regarding any Air Pollution or Water Pollution licences issued by the Local Authority in respect of the Quarry should also be submitted

None. There are no air or water discharges from this quarry.

APPENDIX F

A site location map to a scale of not less than 1:2500 should be submitted with the application for registration. The map should indicate

(a) the current site boundary (outlined in red) and

(b) the current workable area (outlined in blue)

State the Ordnance Survey Map Ref No. and the Grid Reference if available

See Figure 1 – Site Layout Plan, attached.

O.S. Map Ref No.:-

(1:2500) 21/15, 24/3

Grid Reference:-

305,811E; 224,991N

APPENDIX G

Did the quarry commence operation before 1st October 1964? If YES, supporting documentary evidence should be submitted with your application.

The attached 1:10,560 scale Ordnance Survey map (Dublin Sheet 21), which was surveyed in 1837 and revised in 1937, illustrates that the quarry did commence operation before the 1st October 1964. Part of the site boundary is shown outlined in red.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

Halla an Chontae, Lár an Bhaile
Tamhlacht, Baile Átha Cliath 24
Telefon: 01-4149000
Facs: 01-4149104

Planning Department
County Hall, Town Centre
Tallaght, Dublin 24
Telephone: 01-4149000
Fax: 01-4149104

www.southdublin.ie

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

13-May-2005

SECTION 261 - PLANNING & DEVELOPMENT ACT, 2000

REGISTRATION OF QUARRIES

Register Reference: SDQU05A/3

Location: De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin.

Applicant: Roadstone Dublin Ltd.

Dear Sir/Madam,

With reference to the above, I acknowledge receipt of your application received on 22-Apr-2005.

Yours sincerely,

Gerry Ryan
Senior Staff Officer

Excellence Through People
Awarded 2004

Chambers of Commerce of
Ireland Excellence in Local Government
Economic Development Award 2004

PR/1951/05

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

Reg. Reference:	SDQU05A/3	**Application Date:**	22-Apr-2005
Submission Type:		**Registration Date:**	22-Apr-2005

Correspondence Name and Address:	S. Geraghty Roadstone Dublin Ltd., Fortunestown, Tallaght, Dublin 24.
Proposed Development:	Application for registration of a Quarry under Section 261 of Planning & Development Act 2000.
Location:	De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin.
Applicant Name:	Roadstone Dublin Ltd.
Application Type:	Quarry Registration

(BM/AOS)

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. A revised site map to a scale of not less than 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.
2. Details of the current rate of extraction per annum.
3. Clarification as to the total number of vehicle movements generated per hour, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.
4. Details of any Environmental Management System in operation at the quarry

Applicant to submit the above further information on or before 28th September, 2005.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Order

REG. REF. SDQU05A/3

LOCATION: De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin.

Senior Executive Planner

Endorsed: _____

Administrative Officer

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated: 30/8/05

Senior Executive Officer

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

AN ROINN PLEANÁLA
An Rannóg Chlárlainne,
Halla an Chontae, Lár an Bhaile,
Tamhlacht, Baile Átha Cliath 24.

Telefon: 01 - 414 9000
Facs: 01 - 414 9104
www.sdublincoco.ie

PLANNING DEPARTMENT
Registry Section
County Hall, Town Centre,
Tallaght, Dublin 24.

Telephone 01 - 414 9000
Fax : 01 - 414 9104
www.sdublincoco.ie

4. Details of any Environmental Management System in operation at the quarry

Applicant to submit the above further information on or before 28th September, 2005.

Please mark your reply **"ADDITIONAL INFORMATION"** and quote the Planning Register Reference Number given above.

Signed on behalf of South Dublin County Council

Register Reference: SDQU05A/3

Current Date: 31-Aug-2005

Yours faithfully,

.....

for **Senior Executive Officer**

Irish Independent BEST COMPANIES TO WORK FOR IRELAND 2005

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

AN ROINN PLEANÁLA
An Rannóg Chlárlainne,
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S. Geraghty
Roadstone Dublin Ltd.
Fortunestown
Tallaght
Dublin 24.

PLANNING & DEVELOPMENT ACT, 2000 AND PLANNING REGULATIONS THEREUNDER

Decision Order Number 1951	**Date of Decision** 30-Aug-2005
Register Reference SDQU05A/3	**Registration Date** 22-Apr-2005

Applicant: Roadstone Dublin Ltd.

Development: Application for registration of a Quarry under Section 261 of Planning & Development Act 2000.

Location: De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin.

Application Type: Quarry Registration

Dear Sir /Madam,

With reference to your planning application, received on 22-Apr-2005 in connection with the above, I wish to inform you that before the application can be considered under Section 261 of the Planning & Development Act 2000, six copies of the following ADDITIONAL INFORMATION must be submitted.

1. A revised site map to a scale of not less than 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.
2. Details of the current rate of extraction per annum.
3. Clarification as to the total number of vehicle movements generated per hour, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.

BEST COMPANIES TO WORK FOR IRELAND 2005

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

Halla an Chontae, Lár an Bhaile,
Tamhlacht, Baile Átha Cliath 24.

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PLANNING DEPARTMENT
County Hall, Town Centre,
Tallaght, Dublin 24.

Telephone: 01-414 9000
Fax: 01-414 9104
www.sdublincoco.ie

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

Date: 29-Sep-2005

PLANNING & DEVELOPMENT ACT, 2000 AND PLANNING REGULATIONS THEREUNDER

Register Reference:	SDQU05A/3
Development:	Application for registration of a Quarry under Section 261 of Planning & Development Act 2000.
Location:	De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin.
Applicant:	Roadstone Dublin Ltd. Fortunestown, Tallaght, Dublin 24
Submission Type:	**Additional Information**

Dear Sir/Madam,

With reference to the above, I acknowledge receipt of Additional Information received 28-Sep-2005.

Yours faithfully,

G. Ryan

for **Senior Executive Officer**

Irish Independent BEST COMPANIES TO WORK FOR

Roadstone Dublin Ltd.

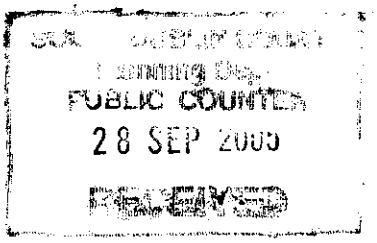
Fortunestown
Tallaght
Dublin 24

Tel: (+353 1) 404 1200
Fax: (+353 1) 404 1321
web: www.roadstone.ie
email: info@roadstone.ie

SDQU05A/3
Add. Info

27th September 2005

Senior Executive Officer
Planning Department
South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24



BY HAND

Re: Registration of Quarries – Section 261, Planning & Development Act, 2000
Register Reference SDQU05A/3 – De Selby Quarry
ADDITIONAL INFORMATION

Dear Sir / Madam,

Further to your letter of 31st August 2005 seeking additional information regarding our Section 261 application referred to above, we make the following submission to address the queries raised. Please find enclosed six copies of the additional information sought as requested.

Please confirm receipt of this submission.

Yours faithfully,

Shane Geraghty
ROADSTONE DUBLIN LIMITED

Enc. 6 no. copies of Additional Information – De Selby Quarry

Directors: A. M. O'Loghlen Chairman, J. Farrell Managing, S Alegre, F. Byrne, R. O. Clarke, D. J. Dempsey, D. Doyle, O. Mahon, P. G. Martin, M. O'Connor, G. Richardson, G. Gowran Secretary
Registered in Ireland Reg. No. 11035. Registered Office Fortunestown, Tallaght, Dublin 24.
A CRH Group Company

National Standards Authority of Ireland

Certificate of Registration of Environmental System to I.S. EN ISO 14001:1996

The National Standards Authority of Ireland certifies that

Roadstone Dublin Ltd

Production Facilities Located at:

Allen, Ballyadams, Belgard, Calary, Dorans, DeSelby, Fassaroe, Feltrim, Huntstown, Kilternan, Milverton and Ringsend

Additional Facilities Located at:

Blessington and Wicklow

has been assessed and deemed to comply with the provisions of the above standard in respect of the scope of operations given below.

Scope of Registration

The manufacture and supply of the following group products; aggregates, sands, quarry products, architectural masonry, concrete blocks and bricks, concrete paving products, concrete, plaster and mortar

ISO 14001 ENVIRONMENT

Registration Number:	**14.0256**
Registration Date:	**04 September 2002**
Last Amended on:	**26 September 2002**
Remains valid until:	**03 September 2005**

ANSI-RAB EMS ACCREDITED

Signed: Brian Kelly
Chief Executive Officer

Signed: Dairine Tormey
Chairperson

Issued on 27 September 2002

The validity of this certificate is maintained through on-going surveillance inspections.

National Standards Authority of Ireland, Glasnevin, Dublin 9, Ireland

14001-RAB-A4(3)

1. **A revised site map to a scale of not less than 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.**

Please find enclosed revised site map (Figure 1_FI1) to a scale of 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.

2. **Details of the current rate of extraction per annum.**

As stated on our registration form, we consider this information to be commercially confidential. We will provide the Planning Authority with the information on a confidential basis and would request a meeting to discuss the format with the Planning Authority. It should be noted that this item of information was not contained in the Standard Recommended Section 261 Registration Form published by the Department of the Environment, Heritage and Local Government in Appendix D of their 'Quarries & Ancillary Activities: Guidelines for Planning Authorities' (DoEHLG, 2004). It is understood that the DoEHLG did not include such an item on their standard recommended form, as they were considerate of the confidential nature of such information.

3. **Clarification as to the total number of vehicle movements generated per hour, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.**

We have already given this information to the Planning Authority on our registration form. For clarification, the total number of vehicle movements generated by the quarry per hour is 10, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.

4. **Details of any Environmental Management System (EMS) in operation at the quarry.**

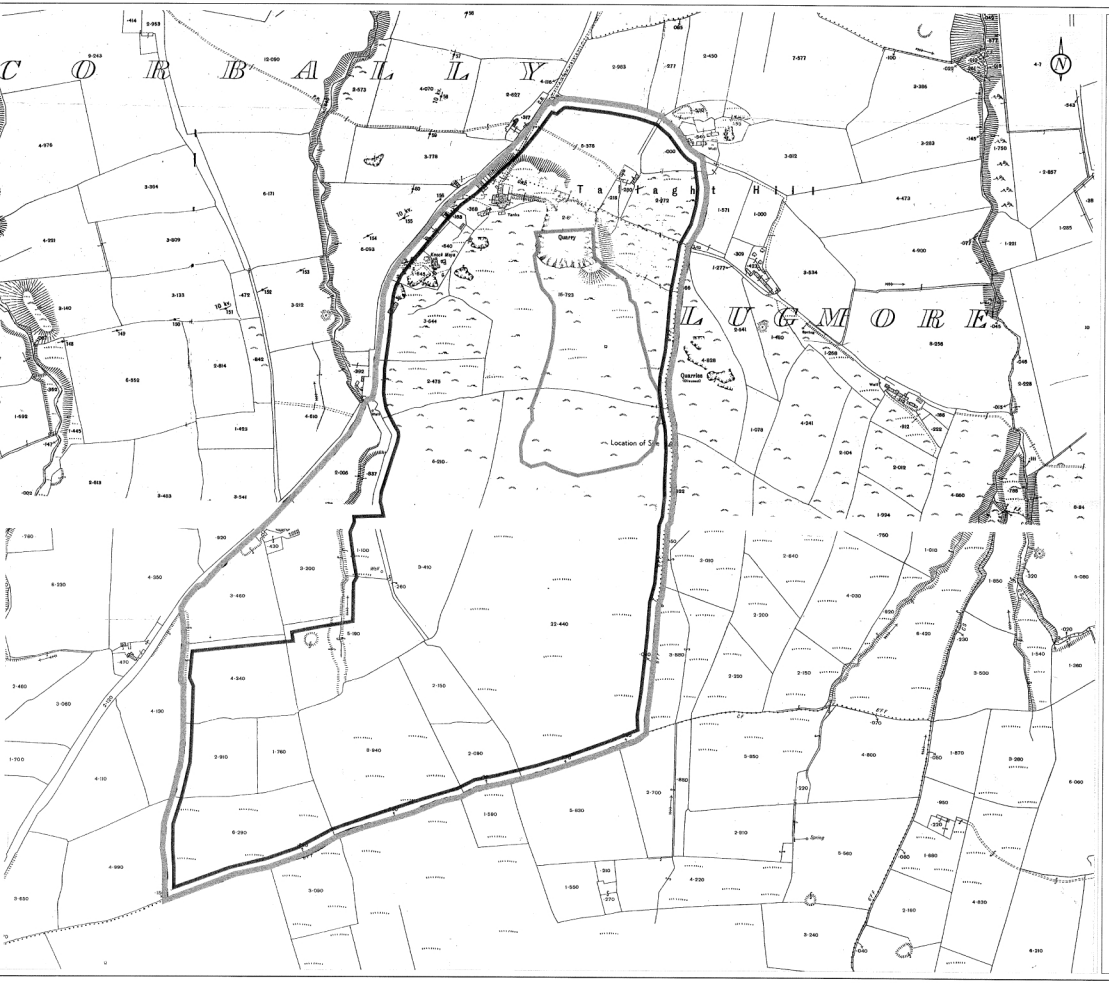
The National Standards Authority of Ireland (NSAI) accredited Roadstone Dublin Limited with a Certificate of Registration of Environmental System to I.S. EN ISO 14001:1996 and this accreditation includes De Selby Quarry. Our current certificate (copy enclosed) is out of date since 3rd September 2005. We are currently awaiting the issue of a new certificate by NSAI and a copy can be forwarded to the Planning Authority if requested. The system continues to operate in accordance with the requirements of I.S. EN ISO 14001:1996.

An Environmental Management System (EMS) is in operation at De Selby Quarry. The EMS for De Selby Quarry is operated and recorded under the following procedural headings –

- Master List of documents for each site
- Initial Environmental Review
- Assessment of impacts to determine significance

- Company Environmental Manual
- Site Operational Manual
- Archaeology and Ecology procedure
- Blasting Manual
- Environmental Training plan
- Transport Manual
- Waste Management Procedure
- Communications procedure
- Dust Suppression Guidelines
- Emergency Response Procedure
- Monitoring and measurement procedure
- New Chemicals procedure
- Procedure for assessing impacts
- Register of legislation
- Procedure for receiving oil
- Improvement Programmes
- Subcontractor's Green Guide
- Decommissioning Procedure

A copy of the EMS for De Selby Quarry is available for inspection by the Planning Authority at the quarry, on request.



LEGEND

- Site Boundary (c. 51.3ha)
- Extractable Area (c. 43.9ha)
- Extracted Area (c. 4.8ha)

Scale 1:2500

0m 100m 300m

Based on 1:2500 scale digital map Sheet No. Dublin 21-15, 24-3 provided by Ordnance Survey Ireland

Ordnance Survey Ireland Licence No. SU 0000705 (c) Government of Ireland

roadstone

ROADSTONE DUBLIN LTD.
FORTUNESTOWN
TALLAGHT
DUBLIN 24

Project:

Roadstone Dublin Ltd.

De Selby, Saggart, Co. Dublin

Section 261 Site Plan

Title:

Revised Site Map

Figure 1_FI1

Author: pmc

Date: Sept 2005

Ref: 3371

Roadstone Dublin Ltd.

Fortunestown
Tallaght
Dublin 24

Tel: (+353 1) 404 1200
Fax: (+353 1) 404 1321
web: www.roadstone.ie
email: info@roadstone.ie

Reg Ref SDQU05A/3 QU-08

15th November 2005

Mr Paddy McNamara
Administrative Officer
Planning Department
South Dublin County Council
County Hall
Tallaght
Dublin 24

SOUTH DUBLIN COUNTY
Planning Dept.
PUBLIC COUNTER
15 NOV 2005
RECEIVED

BY HAND

Re: Registration of Quarries
Planning & Development Act, 2000 – Section 261
Register Reference SDQU05A/3

Dear Mr McNamara.

In response to your invitation by public notice on 19th October 2005, this is our submission in respect of De Selby Quarry situate in the Townlands of Corbally and Lugmore, Saggart, Co. Dublin.

We note that the Planning Authority is considering requiring the making of a planning application and the preparation of an Environmental Impact Statement (EIS) in respect of the quarry.

The Planning Authority is aware that the quarry has pre – 1st October 1964 status and under Section 261 of the Planning and Development Act, 2000 such a quarry need only be required to seek planning permission with EIS where the continued operation of the quarry, in the opinion of the Planning Authority, is likely to have significant effects on the environment and –

(a) the extracted area is greater than 5 hectares, **or**
(b) the quarry is on land which is a European or other designated site.

We do not consider that the quarry falls within the parameters outlined above and make the following comments to substantiate our opinion –

1. Extracted Area

The extracted area of the quarry is less than 5 hectares. Please review Figure 1_F11 – Site Layout Plan, submitted to the Planning Authority on the 28th September 2005 in response to a request for additional information.

Directors: A. V. O'Leary (Chairman), J. Hare (Managing), S Aegis, T. Byrne, P. O. Clarke, D. J. Dempsey, D. Doyle, C. Manser, P. G. Martin, M. O'Connor, G. Richardson, C. Gowran (Secretary)
Registered in Ireland Reg. No. 11035 Registered Office Fortunestown, Tallaght, Dublin 24
A CRH Group Company

2. European or Other Designated Site

It is our understanding that the quarry is not located on land, which is a European or other designated site.

3. Environment

The National Standards Authority of Ireland (NSAI) accredited Roadstone Dublin Limited with a Certificate of Registration of Environmental System to I.S. EN ISO 14001:1996 and this accreditation includes De Selby Quarry. A copy of the Certificate of Registration can be forwarded to the Planning Authority if requested.

An Environmental Management System (EMS) is in operation at De Selby Quarry, which is operated and recorded under the following procedural headings –

- Master List of documents for each site
- Initial Environmental Review
- Assessment of impacts to determine significance
- Company Environmental Manual
- Site Operational Manual
- Archaeology and Ecology procedure
- Blasting Manual
- Environmental Training plan
- Transport Manual
- Waste Management Procedure
- Communications procedure
- Dust Suppression Guidelines
- Emergency Response Procedure
- Monitoring and measurement procedure
- New Chemicals procedure
- Procedure for assessing impacts
- Register of legislation
- Procedure for receiving oil
- Improvement Programmes
- Subcontractor's Green Guide
- Decommissioning Procedure

The site is audited annually by the NSAI and our Environmental Officer using the criteria outlined above. The system is reviewed and updated each year. A copy of the EMS for De Selby Quarry is available for inspection by the Planning Authority on request.

Roadstone Dublin Limited is a member of the Irish Concrete Federation (ICF) and is committed to operating at De Selby Quarry in line with the current best practice guidelines as outlined in the ICF's publication "Environmental Code for the Aggregate and Concrete Product Industries" (1996).

The Planning Authority will have noted that the environmental monitoring results for blasting (PPV and Air Overpressure) and dust (Total Dust Deposition) given in Appendix D of our application are within the threshold limits as recommended by the Department of Environment, Heritage and Local Government (DoEHLG) in its publication "Quarries and Ancillary Activities – Guidelines for Planning Authorities" (April 2004).

Noise monitoring results were not available when our application was submitted. A noise survey study was subsequently commissioned and carried out by Eanna O'Kelly & Associates, Consultant Acoustic Engineers. Please find enclosed a copy of the report, the findings of which concluded that the noise generated by the activities at the quarry is within the threshold limits as recommended by the Environmental Protection Agency (EPA) when measured at sensitive locations.

As mentioned in our application (Appendix E), water is not discharged from De Selby Quarry.

The following mitigation measures are employed on-site to ensure the safe use and storage of hydrocarbons:

- All hydrocarbon storage tanks are contained in bunded areas,
- Drainage from bunded areas is collected and disposed of in a safe manner,
- The integrity of bunds is tested every three years in accordance with the EMS for the location,
- Oil drums and barrels containing hydrocarbons are contained within a housed bund unit,
- Any other drums located outside the housed bund unit are stored on spill trays,
- Spill kits and absorbent materials are provided in case of accidental spillage,
- Contaminated waste bins are provided to safely hold absorbent materials used to contain and mop up a spillage prior to removal off-site by a licensed operator,
- All waste oil is removed off-site by a licensed operator,

The following mitigation measures are employed to ensure that traffic associated with the site does not impact negatively on the environment or the local area:

- Permanent internal haul roads are paved,
- Adequate on-site parking is provided for employees and visitors cars,
- Provision of on-site speed restrictions,
- Ensuring that all trucks are not overloaded,
- Ensuring that all loads are trimmed before leaving the site,
- Covering of all loaded trucks leaving the site,
- Appropriate maintenance of vehicles,
- Cleaning of quarry entrance, access road and public road adjacent to the entrance on a regular basis,
- Wetting of haul roads during dry weather conditions.

The following mitigation measures are employed to ensure that there are no visual impacts on the surrounding environment:

- Maintenance and enhancement of hedgerows along the site boundaries,
- Tree planting and landscaping,
- Construction and maintenance of vegetated screening bunds,
- Erection and maintenance of boundary fencing,
- Maintenance of entrance,
- Maintenance of signage,
- Provision of rubbish bins.

All waste materials are stored, collected, recycled (where possible), and/or disposed of in accordance with the requirements of the Planning Authority. A record of the volumes of waste oils, used batteries, used tyres, disused plant and machinery, and scrap metal arising within the site is kept in accordance with our EMS.

The Planning Authority will note that De Selby Quarry is operated within the current best practice guidelines and environmental limits as recommended by the DoEHLG. We are aware of our environmental obligations and are committed to improving our systems. We believe the information outlined in this submission adequately demonstrates that Roadstone Dublin Limited is an environmentally responsible quarry operator and as such we consider that our operations at the quarry do not have nor will have any significant effects on the environment.

Therefore, we ask the Planning Authority to carefully consider the information outlined above and to impose conditions on the operation of De Selby Quarry, as provided for under subsection (6)(a)(i) of section 261 of the Planning and Development Act, 2000, to ensure continued compliance.

Please confirm receipt of this submission.

Yours faithfully,

Shane Geraghty
ROADSTONE DUBLIN LIMITED

Enc. Noise Monitoring Report

Eanna O'Kelly and Associates
Consultant Acoustic Engineers

24 Strand Street,
Skerries,
Co. Dublin.

Phone: +353 (1) 8494500
Fax: +353 (1) 8494859
Mobile: 087 2430872
087 2310487
E-mail: eokelly@iol.ie

Date: 15th November 2005
Ref: ROD 732

Noise Survey at De Selby Quarry

for

Roadstone Dublin Ltd.

Report: by Eanna O'Kelly

Title: Noise survey at De Selby Quarry

1. *Client:* Roadstone Dublin Ltd

2. *Scope:* To measure the noise emission from the major sources of plant operating within the site.

3. *Location:* De Selby Quarry

4. ***Attended Monitoring*** ☑

   Unattended Continuous Monitoring ☐

5. ***Monitoring Period:*** 14:00 to 15:15 hours 14/11/2005

6. ***Measurements Standard:***

   International Standard 1996: Acoustics - Description and Measurement of Environmental Noise.

   Part 1: Basic quantities and procedures
   Part 2: Acquisition of data pertinent to land use

7. ***Noise Parameters Measured***

   $L_{eq(Aeq,5min)}$ - the equivalent continuous noise level in dBA over a 5 minute measurement interval.

   One third octave band noise spectrograms.

8. ***Instrumentation:***

   Bruel and Kjaer Modular Precision Sound Analyser Type 2260
   Bruel and Kjaer Precision Integrating Sound Level Meter Type 2236
   Bruel and Kjaer Sound Level Calibrator Type 4231

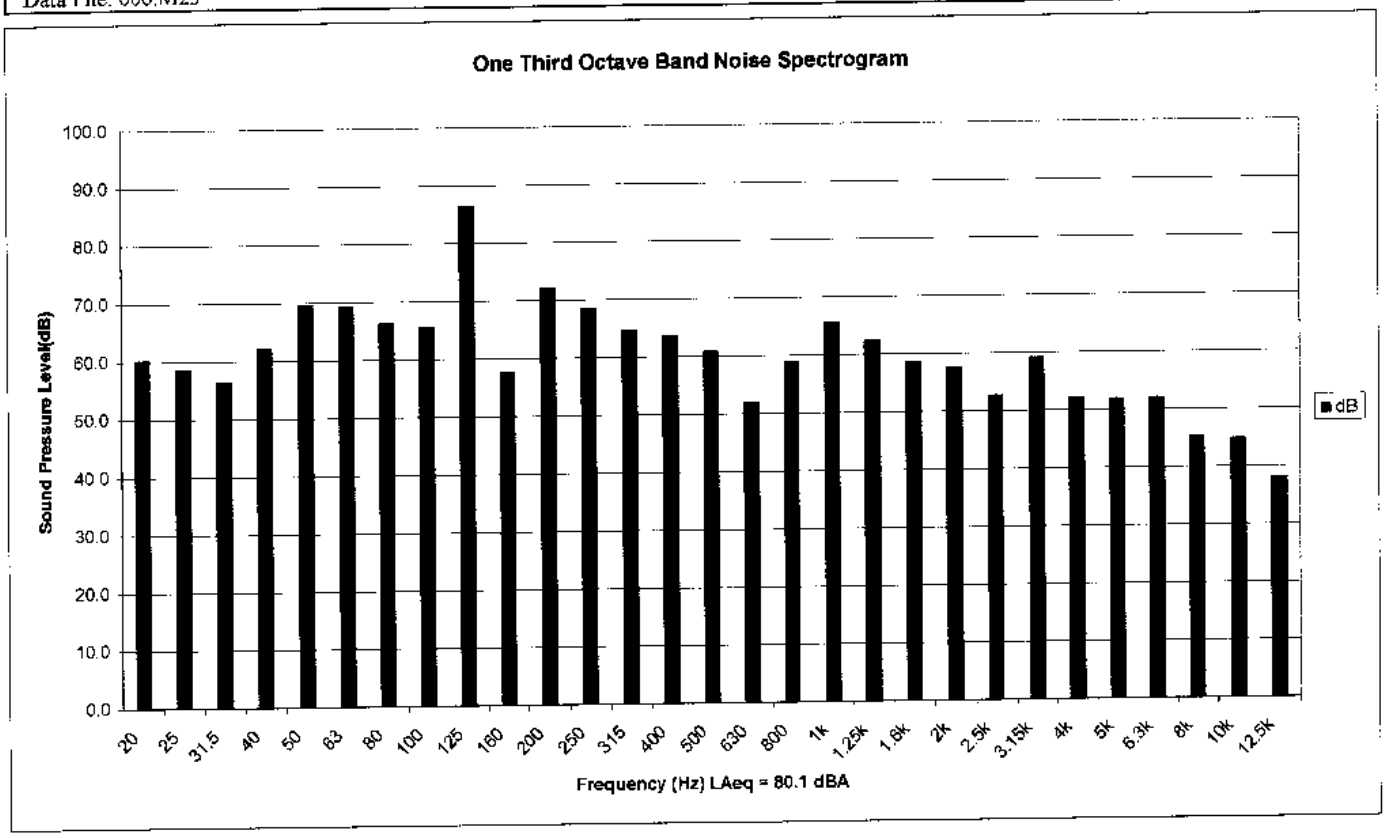
   The Instrumentation complies with the requirements of IEC Standard 804 - Integrating precision sound level meters and IEC Standard 942 (1988) Sound calibrators class 1.

9. *Results:*

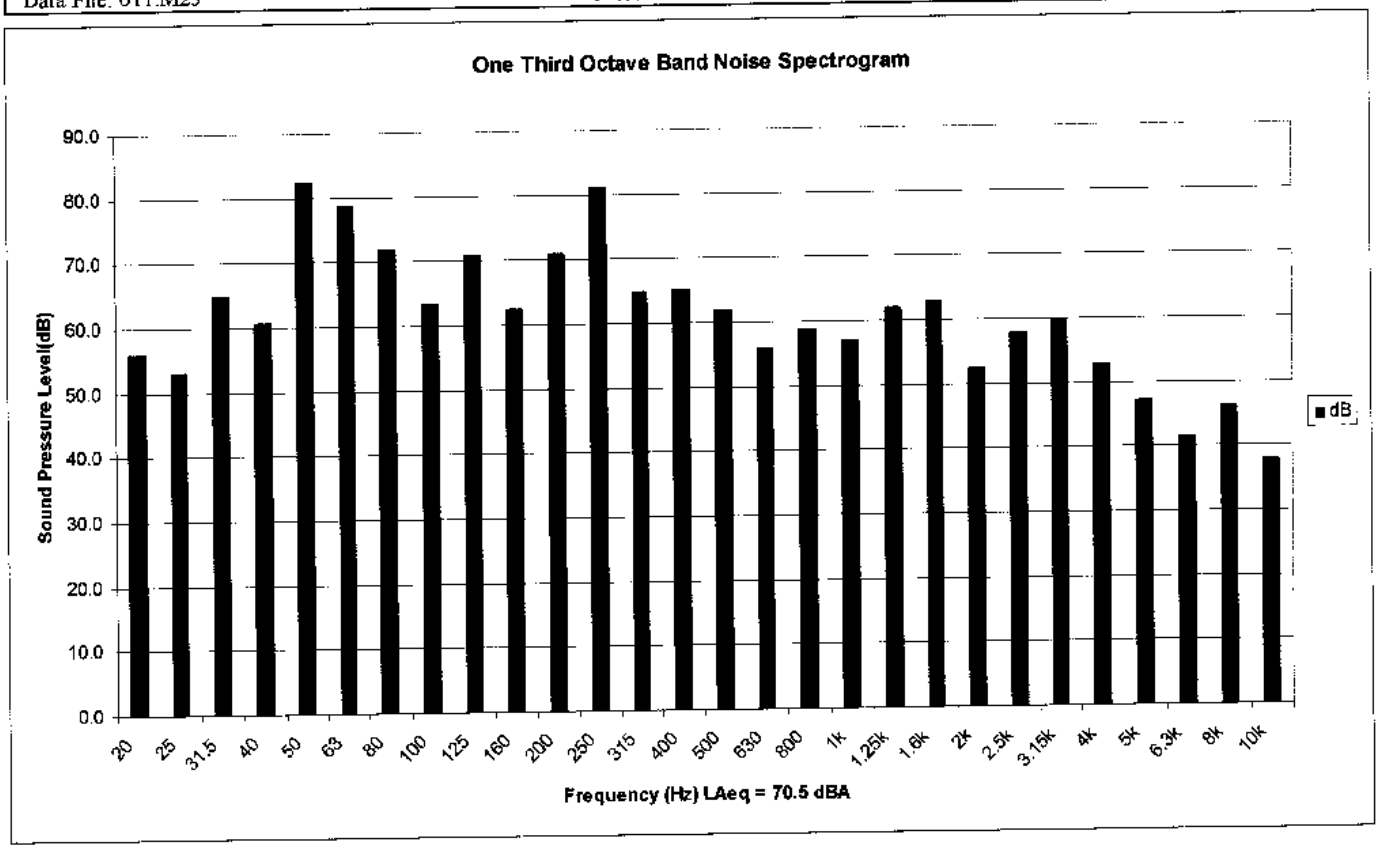
9.1 Blasting and crushing of stone is only carried out on the site as required. An outside contractor is utilised for these operations lasting up to a couple of weeks at a time. The noise due to these operations would typically be 84 dBA at a distance of 7 m. The main source of noise in the quarry is due to the loading of stone into 20 tonne road trucks. On this occasion drilling was also taking place in preparation for a blast. Noise due to drilling at 25 m distance was 70 dBA.The noise due to loading of stone at a distance of 7 m was 80 dBA The one third octave band noise spectrogram due to these activities is attached.

9.2 The noise level at the nearest house which is located approximately 40 metres from the boundary of the site was a $L_{(Aeq,5min)}$ level of 53 dB by daytime. The noise from the drill was audible. The environmental noise impact of the operation in the site is slight.

Fanna O'Kelly and Associates **Consultant Acoustic Engineers**	Client: Roadstone Dublin Ltd. Noise Source: 7 meters from loading of truck. Measurement Location: De Selby Quarry.
Data File: 006.M23	Measurement Date: 14-Nov-2005



Eanna O'Kelly and Associates Consultant Acoustic Engineers	Client: Roadstone Dublin Ltd. Noise Source: 25 meters from drill. Measurement Location: De Selby Quarry.
Data File: 011.M23	Measurement Date: 14-Nov-2005



REG REF SDQU05A/3

QU-06

Paddy cNamara

From: Cllr John Hannon
Sent: 14 November 2005 20:49
To: Paddy McNamara
Subject: SDQU05/03

Paddy,

I wish to support the submission made by Mr Colm Kenny, Lugmore,Saggart in relation to the above.
Mr Kenny has raised serious issues which are worthy of detailed consideration, and I would ask you to keep me informed on this matter.

Regards

John

CLLR JOHN HANNON

REG REF
SDQU05A/3

Lugmore,
Saggart,
Co. Dublin.
Ph: 4590358

2nd November 2005

QU-01

Paddy McNamara.
Administrative Officer,
Planning Department.
South Dublin County Council.
County Hall
Tallaght
Dublin 24

Re: Section 261 Ref: SDQU 05/03

I would like to make the following submission on SDQU 05/03.

I believe the determination published on the 19th October 2005 requiring the making of a planning application and the preparation of an environmental impact statement in respect of the quarry at Lugmore, and Corbally, is a very welcome move by South Dublin County Council and is wholly and totally justified.

The negative and detrimental impact that the recommencement of Quarrying works has on this locality and my family clearly constitutes the necessity for a full Planning Application Process to be commenced as quickly as possible to alleviate the intolerable conditions that exist presently at our home.

Upon inspection of the Register of Quarries at SDCC regarding SDQU 05/03, I became aware of **substantial, false and misleading** information in the afore mentioned registration.

After doing some research I have ascertained that the following issues need to be clarified;

1. The combined areas of folios 1731 and 2504 contain 20.09 ha as opposed to the 51 ha. stated in the application.

2. That a map based on 1937 data has been used instead of a current certified OS map of the correct scale with up todate details of the **locality and extracted area,** which when scaled from a certified OS map with a scale of 1: 2,500 is greater then 4.8 ha stated (measures 5.9 ha).

3. It states no processing of materials is carried out at this location, yet in 2003 crushing and screening process operations were ordered to cease by the Environmental Health Officer due to the pollution being caused by these operations.

4. It omits the **type** of traffic generated by these operations at this location.

5. It states that it has operated continuously since 1955 which is **false** as this site was closed from 1981 to 1997, (see information ENFS 1782) and no material was extracted or processed during that period of **abandonment.**

6. The details of noise, dust and nuisance are inadequate to form a basis of opinion.

Contd.../

Received 9/11/05.

7. All details of there ISO accredited Environmental Management System should be disclosed and correlated with the status of the site on the ground as is, and against photographic evidence of operations on the site.

8. It would seem that the annual extraction rate is commercially confidential as no extraction took place for over 15 years. There by its Quarry **"use"** was extinguished and revered back to "**nil use**". This would make its present **"use"** unauthorized and illegal

Please find enclosed copies of the folios obtained from the Land Registry and scale of the Extracted area obtained from a certified OS map scale 1:2,500 indicating the extracted area at 5.9 ha.

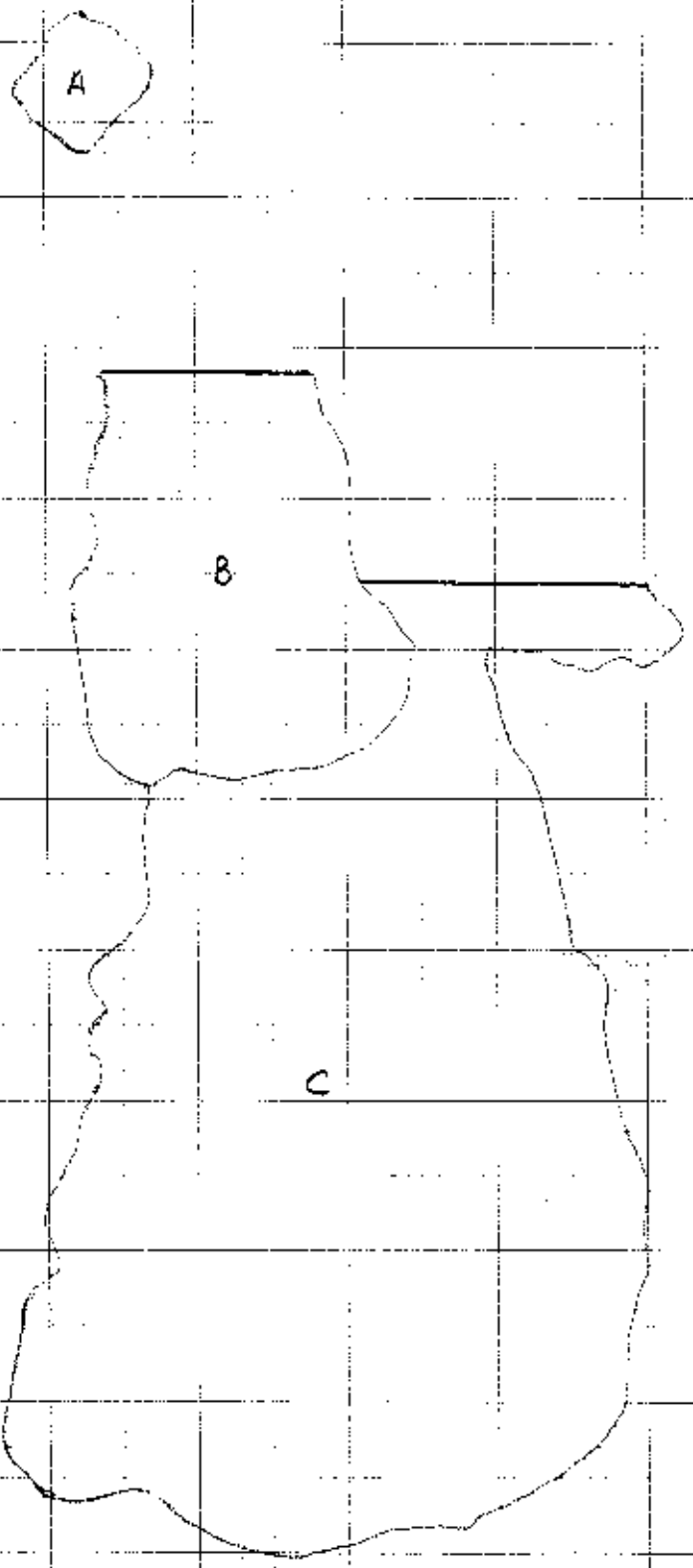
Trusting you will implement the determination published i.e. invoking subsection 7of section 261.

Please do not hesitate to contact me should you require any additional information regarding any aspect of the above registration SDQU 05A/3

Yours Sincerely,

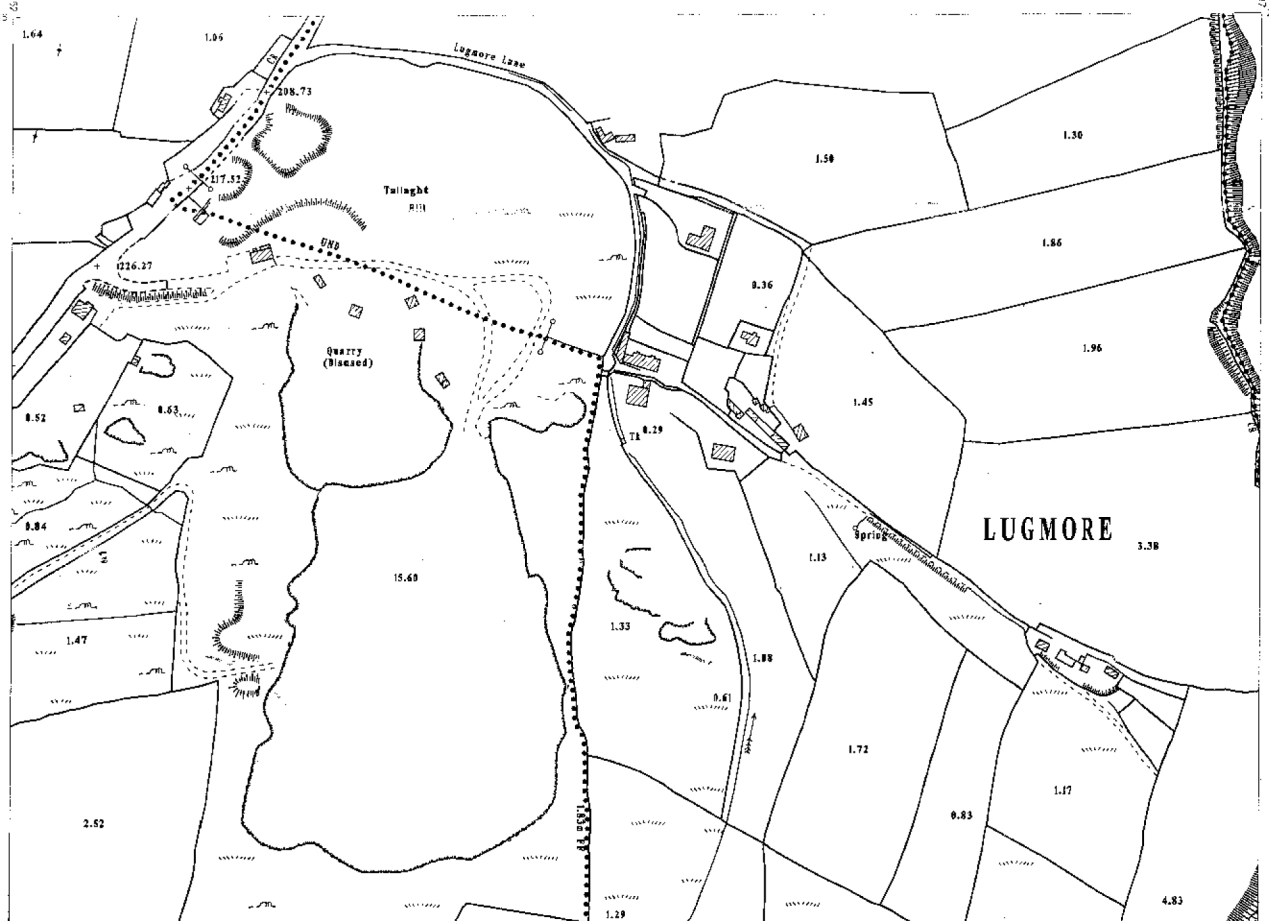
Colm Kenny

Extracted area 5·9 ha



Surveyed 1996

Rural PLACE Map



DESCRIPTION

ORDNANCE SURVEY IRELAND ©

MAP SCALES

1:2500

3452–A 3452–B

Ordnance Survey Ireland

Suirbhéireacht Ordanáis Éireann, Páirc an Fhionnuisce, Baile Átha Cliath a dhéanamh, a chóigh agus a d'fhoilsigh.

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Scale:– 1:2500
Scála:– 1:2500

200 150 100 50 0 200 Metres
500 250 0 500 Feet

Plot Ref. No. 153127_1_4
Plot Date 09–OCT–2000

Land Registry

County Dublin Folio 2504

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	PLANS : 12 TOWNLAND : CORBALLIS BARONY :UPPERCROSS AREA : 16.246 HECTARES OS REFERENCE :21 AND 24 NOTE: ESTATE OF HENRIETTA MARIA DE SELBY S.13 LR6/25093	BY INSTRUMENT LR 25093
1	THE REGISTRATION DOES NOT EXTEND TO THE MINES AND MINERALS WHICH ARE, AS TO QUARRY RIGHTS, SUBJECT TO THE PROVISIONS OF A LEASEDATED 10 NOVEMBER 1913 AND SUBJECT THERETO, TO THE PROVISIONS IN THAT BEHALF OF THE LAND ACT, 1923.	

File Plan Issued: No

Land Cert Issued: Yes

Collection No.:

Land Registry

County Dublin Folio 2504

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Dublin Folio 2504

Part 2 - Ownership

Title ABSOLUTE

No.		The devolution of the property is subject to the provisions of Part IV of the Registration of Title Act, 1891.
001	17-JAN-1957 1803/1/57	THE DE SELBY QUARRIES COMPANY LIMITED JOBSTOWN TALLAGHT COUNTY DUBLIN IS FULL OWNER

Land Cert Reg No.: 359
Date: 02-MAR-1957
Issued to: JOHN L SCALLON AND CO SOLR 2/3 SUFFOLK ST DUBLIN
Address:

Land Registry

County Dublin Folio 2504

Part 3 - Burdens and Notices of Burdens

No.	Particulars
01	THE PROPERTY IS SUBJECT TO THE PROVISIONS PROHIBITING LETTING, SUBLETTING OR SUBDIVISION SPECIFIED IN SECTION 12 OF THE LAND ACT, 1965, AND TO THE PROVISIONS RESTRICTING THE VESTING OF INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.
002 LR 25093	THE PROPERTY IS SUBJECT TO THE FISHING RIGHTS AND FISHERIES (IF ANY) RESERVED BY SECTION 45 OF THE LAND ACT, 1923, AS AMENDED BY SECTION 3 OF THE LAND ACT, 1928

Land Registry

County Dublin Folio 1731

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	PLANS : 1731 TOWNLAND : LUGMORE BARONY :UPPERCROSS AREA : 3.847 HECTARES OS REFERENCE :21R THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS NOTE: ESTATE OF MAJOR G R DARLEY, E.C. 5040, LR. 13979. LAND COMMISSION REFERENCE NO. IS 5A.	



File Plan Issued: No
Land Cert Issued: No
Collection No.: 82/1225

Printed on 07 NOV 2000

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area(Hectares):	Plan:	Folio No:

Land Registry

County Dublin Folio 1731

Part 2 - Ownership

Title POSSESSORY (FIAT 25/03/1915)

No.	The devolution of the property is subject to the provisions of Part IV of the Registration of Title Act, 1891.
001	11-OCT-1916 165415 THE DE SELBY QUARRIES COMPANY LIMITED 44 KILDARE STREET, DUBLIN IS FULL OWNER

1915 48 123
124

1916 28 251

Printed on 07-NOV-2000

Part 3 - Burdens and Notices of Burdens

No.	Particulars
01	THE PROPERTY IS SUBJECT TO THE PROVISIONS PROHIBITING LETTING, SUBLETTING OR SUBDIVISION SPECIFIED IN SECTION 12 OF THE LAND ACT, 1965, AND TO THE PROVISIONS RESTRICTING THE VESTING OF INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.
02	THE PROPERTY IS SUBJECT TO LAND PURCHASE ANNUITY

South Dublin County Council

Comhairle Chontae Átha Cliath Theas

www.southdublin.ie

Planning and Development Acts 2000 - 2004

NOTICE OF REGISTRATION OF QUARRIES

South Dublin County Council hereby gives notice that the following quarries have been registered in accordance with Section 261 of the Planning and Development Act, 2000 (as amended).

Register Ref.	Applicant/Quarry	Details
SDQU05A/1	Shillelagh Quarries Ltd., Aghfarrell, Brittas, Co. Dublin.	Planning permission has not been granted for this quarry. The Planning Authority is considering requiring the making of a planning application and the preparation of an environmental impact statement in respect of the quarry in accordance with subsection (7) of Section 261 of the Act.
SDQU05A/2	Roadstone Dublin Ltd., Belgard Quarry, Fortunestown, Tallaght, Dublin 24.	Planning permission has been granted for this quarry. The Planning Authority is considering restating, modifying, or adding to, conditions imposed on the operation of the quarry in accordance with subsection (6) of Section 261 of the Act.
SDQU05A/3	Roadstone Dublin Ltd., De Selby Quarry, Townlands of Corbally & Lugmore, Saggart, Co. Dublin.	Planning permission has not been granted for this quarry. The Planning Authority is considering requiring the making of a planning application and the preparation of an environmental impact statement in respect of the quarry in accordance with subsection (7) of Section 261 of the Act.
SDQU05A/4	L. Behan & Sons Ltd., Windmill Hill, Rathcoole, Co. Dublin.	Planning permission has not been granted for this quarry. The Planning Authority is considering requiring the making of a planning application and the preparation of an environmental impact statement in respect of the quarry in accordance with subsection (7) of Section 261 of the Act.
SDQU05A/6	Kilsaran Concrete, Ballinascorney, Brittas, Co. Dublin.	Planning permission has been granted for this quarry. The Planning Authority is considering restating, modifying, or adding to, conditions imposed on the operation of the quarry in accordance with subsection (6) of Section 261 of the Act.

The following quarry has not been registered as the Planning Authority consider that it does not come within the scope of Section 261 of the Planning and Development Act, 2000.

Register Ref.	Applicant/Quarry	Details
SDQU05A/5	Roadstone Dublin Ltd, Ballinascorney Quarry, Townland of Ballinascorney Upper, Co. Dublin.	Planning permission has not been granted for this quarry. The Planning Authority consider that this quarry does not come within the scope of subsection 11 of Section 261 of the Act.

The Planning Register, which gives details of the above quarries, may be inspected at the offices of the Planning Department, South Dublin County Council, County Hall, Tallaght, Dublin 24, from 9.00 a.m. - 4.00 p.m. on each working day and the applications are available to view on the Council's website www.southdublin.ie

Submissions or observations regarding the operation of the above quarries may be made to the planning authority within 4 weeks from the date of publication of this notice, and should be addressed to **Paddy McNamara, Administrative Officer, Planning Department, South Dublin County Council, County Hall, Tallaght, Dublin 24, or by e-mail to pmcnamara@sdublincoco.ie.** The latest date for receipt of submissions is **5.00 p.m. on Wednesday, 16th November, 2005** to either of the addresses above.

Planning Department

Date: 19th October, 2005

All advertised information, maps and drawings in relation to South Dublin County Council, available on our website 24 hrs a day, seven days a week.

Visit www.southdublin.ie for all your information needs

Many of the migrant
living in hostel accom
now face deportation
have reached the age of

The majority have b
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tional training courses.

However, since turn
have been unable to a
third-level education

Ictu c

CHRIS DOOLEY,
INDUSTRY AND EMPLO
CORRESPONDENT

A new Bill aimed at
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by the Irish Congres
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fell far short of what
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The Employment P
published by the Gov
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for employers found
exploiting migrant wo

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DCU p
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SEÁN FLYNN,
EDUCATION EDITOR

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Prondzynski, underl
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Dr von Prondzyn
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landmark OECD rep
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2.6 per cent increase

He said there had
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over two years ago

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

An Roinn Pleanála
Halla an Chontae, Lár an Bhaile
Tamhlacht, Baile Átha Cliath 24
Telefon: 01-4149260
Facs: 01-4149104

Planning Department
County Hall, Town Centre
Tallaght, Dublin 24
Telephone: 01-4149260
Fax: 01-4149104

Email: planning.dept@sdublincoco.ie
Website: www.southdublin.ie

Planning & Development Acts 2000-2004 (as amended)

Notice Under Section 261(5) of Planning & Development Act 2000(as amended)

The Managing Director
Roadstone Dublin Ltd.
Fortunestown,
Tallaght,
Dublin 24

21/Feb 2006

A Chara

Re: De Selby Quarry, Townlands of Corbally and Lugmore, Tallaght. – Register Reference No. SDQU05A/3

In accordance with Section 261(5) of the Planning & Development Act 2000 (as amended) notice is hereby given that South Dublin County Council, as the Planning Authority for the area, proposes to require that a planning application and an Environmental Impact Statement be submitted in respect of the quarry operation at the above location.

Section 261(7) of the Planning & Development Act 2000 (as amended) provides that where the continued operation of a quarry, the extracted area of which is greater than 5 hectares and that commenced operation before 1st October 1964, would be likely to have significant effects on the environment, having regard to any selection criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e), a planning authority shall not impose conditions on the operation of a quarry under Section 261(6) but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of the service of the notice, or such other period as may be agreed with the Planning Authority.

Having examined the revised site map received 28 September 2005, submitted as Additional Information, and the most recent Ordnance Survey map for the area, the Council is satisfied that the total area extracted to date at the De Selby Quarry exceeds 5 hectares.

The selection criteria prescribed by the Minister under Section 176(2)(e) of the Planning & Development Act 2000 (as amended) for determining whether a development would or would not be likely to have significant effects on the environment are set out in Schedule 7 of the Planning & Development Regulations 2001 (S.I. No. 600). The following criteria included in the prescribed selection criteria are considered most relevant to the determination as to whether the operation of the subject quarry would be likely to have significant effects on the environment:-

1. *The characteristics of the proposed development,* in particular:
- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,

2. *The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:*
- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to mountain and forest areas, and landscapes of cultural significance.

3. *The potential significant effects of the proposed development in relation to* criteria *set out under paragraphs 1 and 2 above and having regard in particular to:*
- the extent of the impact (geographical area),
- the probability of the impact,
- the duration and reversibility of the impact.

It is considered that the subject quarry operation would be likely to have significant effects on the environment having regard to:

(1) the policies and objectives included in the South Dublin County Development Plan 2004-2010, including land use zoning, extractive industry, views and prospects, landscape protection, natural and built heritage, pollution, traffic, and amenities; and

(2) to the extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation, and the potential for further quarrying; and

(3) to the selection criteria prescribed by the Minister under Section 176(2)(e).

Submissions or observations regarding the proposal may be made by the owner or operator of the quarry to the Planning Authority by **7th April 2006**.

Submissions or observations submitted to:
Paddy Mc Namara, Planning Department, County Hall, Tallaght, Dublin 24 or
by email to pmcnamara@sdublincoco.ie
and made pursuant to this notice will be taken into consideration by the planning authority when performing its functions under Section 261(7) of the Planning & Development Act 2000 (as amended).

Mise le meas
Paddy Mc Namara
Administrative Officer

2/2

JBA **John Barnett & Associates**

CSA House
6/7 Dundrum Business Park
Windy Arbour
Dublin 14, Ireland

Tel: +353-1-296 4667
Fax: +353-1-296 4676
email: tpaul@csa.ie
www.csa.ie

By Hand

6th April 2006
JBA3371/L01/tp/gf

PLANNING DEPARTMENT
06 APR 2006

Paddy McNamara
Planning Department,
County Hall,
Tallaght,
Dublin 24

Dear Mr. McNamara,

Re: Section 261 – Planning & Development Act, 2000
De Selby Quarry, Roadstone Dublin Ltd. – Townlands of Corbally and Lugmore, Saggart – Register Reference No. SDQU05A/3

We refer to the above Section 261 quarry registration and your letter dated 21st February 2006 to Roadstone Dublin Ltd. Roadstone Dublin Ltd. and their advisors – John Barnett & Associates Ltd. have reviewed the letter and make the following submission to South Dublin County Council.

South Dublin County Council *'proposes to require that a planning application and an Environmental Impact Statement be submitted in respect of the quarry operation at the above location'* in accordance with Section 261 (7) of the Planning & Development Act.

'Section 261(7) of the Planning and Development Act 2000 (as amended) provides that where the continued operation of a quarry, the extracted area of which is greater than 5 hectares and that commenced operation before 1st October 1964, would be likely to have significant effects on the environment, having regard to the selection criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e), a planning authority shall not impose conditions on the operation of a quarry under Section 261(6), but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of service of the notice, or such other period as may be agreed with the Planning Authority.

South Dublin Co. Council has stated that '*it is considered that the subject quarry operation would be likely to have significant effects on the environment having regard to:*

(1) The policies and objectives, included in the South Dublin County Development Plan 2004-2010, including land use zoning, extractive industry, views and prospects, landscape protection, natural and built heritage, pollution, traffic and amenities;

(2) The extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation, and the potential for future quarrying;

(3) The selection criteria prescribed by the Minister under Section 176(2)(e)'.

Roadstone Dublin Ltd. does not agree with South Dublin County Council's proposal in respect of this quarry. The continued operation of the quarry would not be likely to have '*significant effects on the environment*', as evidenced by the submission below. In addition it should be noted that Section 261(7) requires the planning authority to consider the development only '*having regard to the selection criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e)*', i.e. Item (3) above. Notwithstanding this, a full response to each of the three items has been provided below.

The Planning Authority is requested to reconsider its proposal and to impose conditions on the operation of the quarry in accordance with Section 261 (6) (a) (i) of the Planning & Development Act, 2000. Other planning authorities (for example Clare Co. Council; Meath Co. Council and Galway Co. Council) have taken such decisions in relation to Pre-1963 quarries with an extraction area greater than 5 hectares.

1 THE POLICIES AND OBJECTIVE, INCLUDED IN THE SOUTH DUBLIN COUNTY DEVELOPMENT PLAN (CDP) 2004 – 2010.

De Selby Quarry has been reviewed in the context of the CDP policies and objectives listed under Item 1 above.

1.1 Land Use Zoning

De Selby Quarry is located in the townlands of Corbally and Lugmore, Saggart, refer to Figure 1. Under the 2004 – 2010 CDP, the quarry is located within land use zone H, refer to Figure 2. Land Use Zoning and Local Zoning Objectives Table No.10.13 defines Zoning Objective 'H': *to protect, provide for and enhance the outstanding natural character of the Dublin Mountain Area.* Quarrying (Industry – Extractive) is *Open for Consideration* below the 350 m OD contour level. De Selby quarry is located below the 350 m OD contour level and stone extraction is a long established land use in the area (pre-dating the introduction of county development plans). Quarrying operations are consistent with, and not precluded, under the current land use zoning.

1.2 Extractive Industry

The relevant Extractive Industry policy and objectives contained in the CDP 2004 – 2010 are as follows:

Section 2.3.17 Policy EE16: Extractive Industry

2.3.17i
'It is the policy of the council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality'.

2.3.17ii
'The Council recognises the importance of the extractive industry in providing the aggregates and building materials required for all forms of construction and will facilitate its operation in suitable locations, having taken into account the continued reduction in demand with the increased re-cycling of construction and demolition waste. However, such an industry can have severely damaging environmental effects and permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water will be safeguarded. In addition all development proposals must make appropriate provision for the reinstatement of the landscape. Details of proposed reinstatement should accompany planning applications for extractive developments.'

12.3.17iii
'The Council will seek to ensure that significant aggregate resources in the County are appropriately protected and in this regard will restrict the siting of incompatible developments that would interfere with the efficient development of such resources.'

De Selby Quarry is an existing quarry and stone extraction is a long established land use in the area. Quarries by their nature are tied to aggregate resource locations. The dolerite deposit at De Selby is a high quality stone resource and aggregate materials are supplied to site development and infrastructure projects in the Greater Dublin Area (for example, the Dublin Light Rail LUAS scheme).

Roadstone Dublin Ltd. has implemented an Environmental Management System at the quarry. This includes 'best practice' mitigation measures and environmental monitoring programme (dust deposition, noise, and blasting), refer to Appendices A & B, and Section 4 below. The quarry is essentially worked as a 'dry' operation and no groundwater control measures are required in the day to day quarry operation. The fuel storage tank is bunded. Stone processing (crushing and screening) is carried out by mobile plant located within the quarry floor. It is clear from the above that De Selby Quarry operates within the DoEHLG (2004) Quarries & Ancillary Activities – Guidelines for Planning Authorities, and that the future environmental management / monitoring at the quarry can be adequately addressed by way of imposing conditions on the development, as provided for under Section 261 (6).

Development Control Section 12.3.4: Extractive Industry

12.3.4i
'In dealing with applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the impact on the adjoining road network and its effect on the environment.'

12.3.4ii
'It will be a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape.'

12.3.4iii
'The Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, April 2004 published by the Department of the Environment, Heritage and Local Government, or as may be amended from time to time. Any restriction arising as a consequence of the application by the Council of the Guidelines shall not be prejudicial to the provision of rural housing to qualifying applicants nor to any activity permitted under the zoning objective.'

As stated above De Selby Quarry is an existing quarry and stone extraction is a long established land use in the area. Development control issues can be addressed by imposing conditions on the development, as provided for under Section 261 (6).

1.3 Views & Prospects / Landscape Protection

Schedule 7 of the CDP defines *'Landscape Character Areas'* for South Dublin. De Selby quarry is located with the Area 7 – Ballinascorney. In the *'Landcover'* description reference is made *'Also to the north there is a quarry and scrubland'*. It is not clear whether this refers to De Selby Quarry. There are no strategic requirements related to the Extractive Industry identified for this area.

Table 13.9 of the CDP identifies *'Prospects for which it is an Objective to Protect'*. De Selby Quarry by virtue of it's location / elevation / method & direction of working does not, and will not impact on any of the Prospects from Viewing Points at Blessington Road (Killinarden area), Naas Road, Garter Lane (Saggart) or Rathcoole-Lucan Road R120 (in the vicinity of Milltown) related to Tallaght Hill, Knockannavea, Verschoyles Hill

On this basis, it is clear that the continued operation of the quarry will not result in any significant environmental (visual / landscape) effects.

1.4 Natural & Built Environment

Table 13.10 of the CDP lists Natural Heritage Areas. De Selby Quarry is not located within any such designated ecological areas. Lugmore Glen (National Parks & Wildlife Service Code 01212) is approximately 0.5km to the east of the quarry.

Schedule 1 of the CDP lists a Record of Monuments and Places. There is one recorded monument located in the south western part of Roadstone Dublin Ltd.'s land interest – RMR 024 – 019 (Enclosure Site), refer to Figure 2. The CDP schedule indicates that there are three recorded monuments located 50 to 100 metres outside the eastern boundary of the land interest (RMR 021-052 (Ring , Barrow); RMR 021-054 (Ring-Ditch(s)); and RMR 024-020 (Ring Ditches Possible). Roadstone Dublin Ltd. is a member of the Irish Concrete Federation and complies with the *Code of Practice between the Irish Concrete Federation & the Minister for Arts, Heritage, Gaeltacht and the Islands (2002)*. In this regard, the company will ensure that:

- All topsoil stripping operations are monitored by a licensed archaeologist
- The quarry working scheme is designed to minimise impact on any known archaeological site.

Schedule 2 of the CDP lists a Record of Protected Structures. There are no protected structures located within the quarry or Roadstone Dublin Ltd.'s land interest. The nearest protected structure (Ref. No. 373: 'Cist') is located approximately 100 metres from the eastern boundary, refer to Figure 2.

On this basis, it is clear that the continued operation of the quarry will not result in any significant environmental effects on the natural or built environment.

1.5 Pollution

The issue of 'Pollution' is addressed in Section 3.1 below.

1.6 Traffic

DeSelby Quarry is an existing quarry. The traffic generated by the quarry was stated on the Section 261 Registration submission: Ten (10) tipper trucks (HGV's) per hour, that is five (5) entering and five (5) leaving the quarry per hour. These truck movements arise during the quarry operating hours: Weekdays 07.00 to 18.00 hrs. and Saturdays 07.00 18.00 hrs. Operating hours to service exceptional customer requirements (outside normal operating hours) were described in Appendix C of the Section 261 Registration submission.

Traffic from the quarry, turns right onto the existing county road and travels north to the N81 National Secondary road (Dublin to Baltinglass), refer to Figure 3. The existing road network has adequate capacity to accommodate the traffic from the quarry.

There is and will be no significant traffic impact from the continued operation of the quarry. Notwithstanding this, Roadstone Dublin Ltd. will liaise with the Area Engineer to ensure adequate signage is provided to inform road users of the quarry entrance etc., and would be happy to accept an imposed condition in this regard.

2 THE EXTENT OF QUARRYING CARRIED OUT TO DATE, THE NATURE SCALE AND EXTENT OF THE EXISTING QUARRYING OPERATION, AND THE POTENTIAL FOR FUTURE QUARRYING

2.1 The Existing Quarry

Roadstone Dublin Ltd. has assessed the extracted area of the existing quarry to be 4.8 hectares (< 5 hectare 'extracted' area threshold limit). South Dublin County Council state that the *'total area extracted to date at the De Selby Quarry exceeds 5 hectares'.* Notwithstanding this difference, it is clear that even if the quarry exceeds the 5 hectare 'extracted' area limit, it is only by a small amount.

The existing quarry can be considered relatively small scale by its nature and extent when compared to other quarries located within the Greater Dublin Area. Rock is extracted using industry standard blasting techniques. Blasting is carried out 3 to 4 times a year. The fragmented rock is crushed and screened using mobile processing plant located within the quarry floor, to produce a range of aggregate products. No aggregate washing is carried out.

2.2 Future Quarrying

Future quarrying will continue in accordance with current operational practice. Where a material change is to occur (in terms of introducing value added manufacturing activities (concrete or asphalt), or an increase in the scale of the operations) then such a change will

require planning permission. In such cases Roadstone Dublin Ltd. will submit a planning application for consideration and decision by South Dublin Co. Council.

It is important to highlight that future development of the quarry in a southerly direction will remain below the 350 m OD contour level (Land Use Zone H), beyond which quarrying is precluded under the current CDP 2004 – 2010.

3 CRITERIA FOR DETERMINING WHETHER A DEVELOPMENT WOULD OR WOULD NOT BE LIKELY TO HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are set out in Schedule 7 of the Planning & Development Regulations, 2001 (S.I. No. 600 of 2001).

Each of these criteria has been addressed below to demonstrate that DeSelby Quarry would not be likely to have significant effects on the environment.

3.1 Characteristics of the Proposed Development

- ***Size of the Proposed Development***

De Selby Quarry is an existing dolerite quarry of limited extent. The extracted area is 4.8 hectares as indicated by Roadstone Dublin Ltd., although it is noted that South Dublin Co. Council consider the extracted area is greater than 5 hectares. Notwithstanding this difference, the DoEHLG guidance as set out in *'Environmental Impact Assessment – Guidance for Consent Authorities regarding Sub-Threshold Development: Section 4.1'* states that *'consideration of significant effects would not therefore be determined by reference to size only. The nature and location of the development must also be taken into account'.*

Quarrying operations have been carried out at De Selby Quarry since 1910's / 1920's and Roadstone Dublin Ltd. has operated the quarry since 1955. There is no evidence to indicate that the size of the quarry has resulted in any significant environmental effects.

The environmental management practice and mitigation measures in place at the quarry, in conjunction with the accredited ISO 14001 EMS ensure that quarry operations do not impact significantly on the environment.

- ***The cumulation with other proposed development***

There are no other quarries in the vicinity of De Selby quarry, and therefore no cumulative effects on the environment arise in this case.

- ***The use of natural resources***

Quarrying is a resource based industry. De Selby quarry works dolerite stone deposits. Roadstone Dublin Ltd. recognises that the dolerite deposits are a finite resource and extraction is managed in a sustainable manner.

The dolerite stone is extracted and processed in an efficient sustainable manner thereby ensuring that there are sufficient extractable stone reserves for future generations whilst ensuring adequate security of supply for present development of the Greater Dublin Area.

- ***The production of waste***

No waste is produced during extraction / processing of dolerite into aggregate products at De Selby Quarry.

The EMS implemented at the quarry provides for the management of any man-made waste arising on site. All recyclable materials are segregated on site to facilitate economic and safe recycling or disposal prior to being collected by licensed waste contractors.

On this basis, the waste management procedures in place at the quarry will not result in any significant effect on the environment.

- ***Pollution & nuisances***

No significant pollution or nuisance arises from De Selby Quarry proposed development. In this regard the Planning Authority should note:

Noise:

Noise monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) recommended threshold limits of < 55 dB(A) $_{LAeq\ 1\ hour}$, measured at the nearest noise sensitive location, refer to Figure 4 and Appendix B. Records of noise monitoring are kept in the EMS.

Best environmental management practice mitigation measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry. These include:

- Use of screening berms
- Location of mobile stone processing plant on the quarry floor.
- Minimising drop heights of material from plant & machinery.
- Regular maintenance of plant & machinery
- Internal traffic routing and using haul roads with as low a gradient as possible

The environmental noise results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise noise levels.

Dust

Dust monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) recommended threshold limits of < 350 mg/m2/day (averaged over 30 days), measured at the site boundary, refer to Figure 4 and Appendix B. Records of dust monitoring are kept in the EMS.

Best environmental management practice mitigation measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry. These include:

- Screening berms are vegetated to eliminate wind blown dust
- Use of water bowser to suppress dust on internal haul roads during dry weather
- Location of mobile stone processing plant on the quarry floor.
- Minimising drop heights of material from plant & machinery.
- Regular maintenance of plant & machinery
- Regular cleaning of entrance area, if necessary.

The dust deposition results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise dust deposition levels.

Blasting

Blast monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) recommended threshold limits for groundborne vibration of 12 mm/sec (peak particle velocity), and for air overpressure of 125 dB (Lin) – 95% confidence limit, measured at the nearest noise sensitive location, refer to Figure 4 and Appendix B. Records of blast monitoring are kept in the EMS.

Best environmental management practice mitigation measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry. These include:

- Experienced professionals are used to design and carry out all blasting operations.
- Use of time delays to limit maximum instantaneous charge (MIC)
- Use of appropriate stemming

The blast monitoring results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise the impact of blasting operations.

Water

De Selby Quarry is operated as a 'dry' quarry. No groundwater control is required. There is no discharge of any trade effluent from the quarry to surface water.

The following best environmental management practice measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry:

- Fuel storage tank is bunded
- Bund integrity is inspected regularly, and tested every three years
- Fill point is located within the bunded area
- A spill kit is provided on site, in the unlikely event of an accidental spillage.
- Oils / lubricants are stored on spill pallets
- Septic tank

These measures ensure that the quarry does not result in any significant effect on surface water or groundwater.

Waste Management

As stated above any waste materials are segregated on site to facilitate economic and safe recycling or disposal prior to being collected by licensed waste contractors. All waste is recycled or disposed of off site. A record of all waste collections is kept in the EMS.

Traffic / Transport

The following measures are in place at the quarry to ensure that traffic does not result in any significant environmental effects:

- Specific traffic routing
- Ensuring all trucks are not over-loaded

- Ensuring that all loads are trimmed before leaving the site
- Provision of car parking on site for employees and visitors
- Provision of truck parking on site
- Maintenance of vehicles
- Maintenance of internal haul roads

Environmental Management System (EMS)

An ISO 14001 accredited EMS is operated at De Selby Quarry, refer to Section 4 below and Appendix A. This provides for continuous environmental monitoring and management of quarrying operations at the site.

3.2 Location of the Proposed Development

- ***The existing land-use.***

De Selby Quarry is an existing quarry, not a proposed development. The existing land-use within the site is dolerite extraction and processing. Quarry operations have been carried out on the lands since 1910's / 1920's. Roadstone took over the operation in 1955. This submission confirms that the quarry will not result in significant environmental effects.

- ***The relative abundance, quality and regenerative capacity of natural resources in the area.***

The quarry is developed in a dolerite stone resource. The quarry rock faces will recolonise and regenerate resulting in ideal nesting habitats for bird species. Quarries are recognised as contributing significantly to the biodiversity of local areas, and De Selby is no exception.

- ***The absorption capacity of the natural environment, paying particular attention to the following areas:***
  (a) mountain and forest areas
  (b) landscapes of historical, cultural or archaeological significance.

The site is not located within any designated ecological area. The nearest Natural Heritage Area (NHA) – Lugmore Glen is located approximately 0.5km to the east of the quarry.

Schedule 1 of the CDP lists a Record of Monuments and Places. There is one recorded monument located in the south western part of Roadstone Dublin Ltd.'s land interest, outside the current quarry extraction area. – RMR 024 – 019 (Enclosure Site), refer to Figure 2. The CDP schedule indicates that there are three recorded monuments located 50 to 100 metres outside the eastern boundary of the land interest (RMR 021-052 (Ring , Barrow); RMR 021-054 (Ring-Ditch(s)); and RMR 024-020 (Ring Ditches Possible). Roadstone Dublin Ltd. is a member of the Irish Concrete Federation and complies with the *Code of Practice between the Irish Concrete Federation & the Minister for Arts, Heritage, Gaeltacht and the Islands (2002).* In this regard, the company will ensure that:

- All topsoil stripping operations are monitored by a licensed archaeologist
- The quarry working scheme is designed to minimise impact on any known archaeological site.

The existing best practice environmental mitigation measures in place at the quarry, together with the ISO 14001 accredited EMS, ensure that the quarry operations do not result in any significant impact on *mountainous and forest areas,* or *landscapes of historical, cultural or archaeological significance.*

3.3 The potential significant effects of the proposed development in relation to criteria set out under paragraphs 1 and 2 above and having regard in particular to the following

- ***The extent of the impact (geographical area).***

The best practice environmental mitigation measures implemented at De Selby Quarry ensure that the extent of any potential impacts are effectively limited to within the Roadstone Dublin Ltd. land interest.

Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DoEHLG (2004).

- ***The probability of the impact.***

Roadstone Dublin Ltd. implement an ISO 14001 accredited EMS at De Selby Quarry. This management system provides for ongoing environmental management and monitoring of quarry operations at the site.

Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DoEHLG (2004).

On this basis, and considering this overall submission, it is clear that quarrying operations at De Selby Quarry will not have any significant effect on the environment.

- The duration and reversibility of the impact.

Extraction operations are in effect a temporary land-use with the lands being restored to beneficial long-term afteruse on cessation of quarrying activities. Roadstone Dublin Ltd. proposes to restore De Selby Quarry to a natural habitat / nature conservation area that will enhance the biodiversity of the local area. The company have made long term financial provision for such restoration works. A restoration and after-use plan is currently being prepared for the quarry, and Roadstone Dublin Ltd. would be pleased to accept imposition of a condition in this regard.

4 ENVIRONMENTAL MANAGEMENT

As referred to above, Roadstone Dublin Ltd. has implemented an ISO 14001 accredited environmental management system (EMS) at De Selby Quarry. A copy of the current NSAI certification is provided in Appendix A. This includes an ongoing environmental monitoring programme.

In addition, the company is a member of the Irish Concrete Federation (ICF), and complies with the requirements of the ICF Environmental Code.

Roadstone Dublin Ltd. operates De Selby Quarry and all of its other quarrying operations, in accordance with best environmental management practice for the sector.

5 CONCLUSIONS

Based on the responses above to each of the criteria stated in Schedule 7, and considering the following:

i) results of the ongoing environmental monitoring programme
ii) implementation of current 'best' practice mitigation measures
iii) implementation of ISO14001 accredited EMS
iv) long term nature of the existing quarrying operations on the site (since before 1st October 1964)
v) relatively small scale nature operation of the quarry
vi) location of the quarry

it is clear that the extraction operations at De Selby quarry will not result in significant environmental effects.

The Planning Authority is requested to reconsider its proposal and to impose conditions on the operation of the quarry in accordance with Section 261 (6) (a) (i) of the Planning & Development Act, 2000.

We would request a meeting with you to discuss the above submission, before South Dublin County Council make a final determination on this matter. It would be beneficial to have this meeting, and we would ask that you contact Mr. Shane Geraghty (Roadstone Dublin Ltd. 01-4041307) in relation to meeting arrangements.

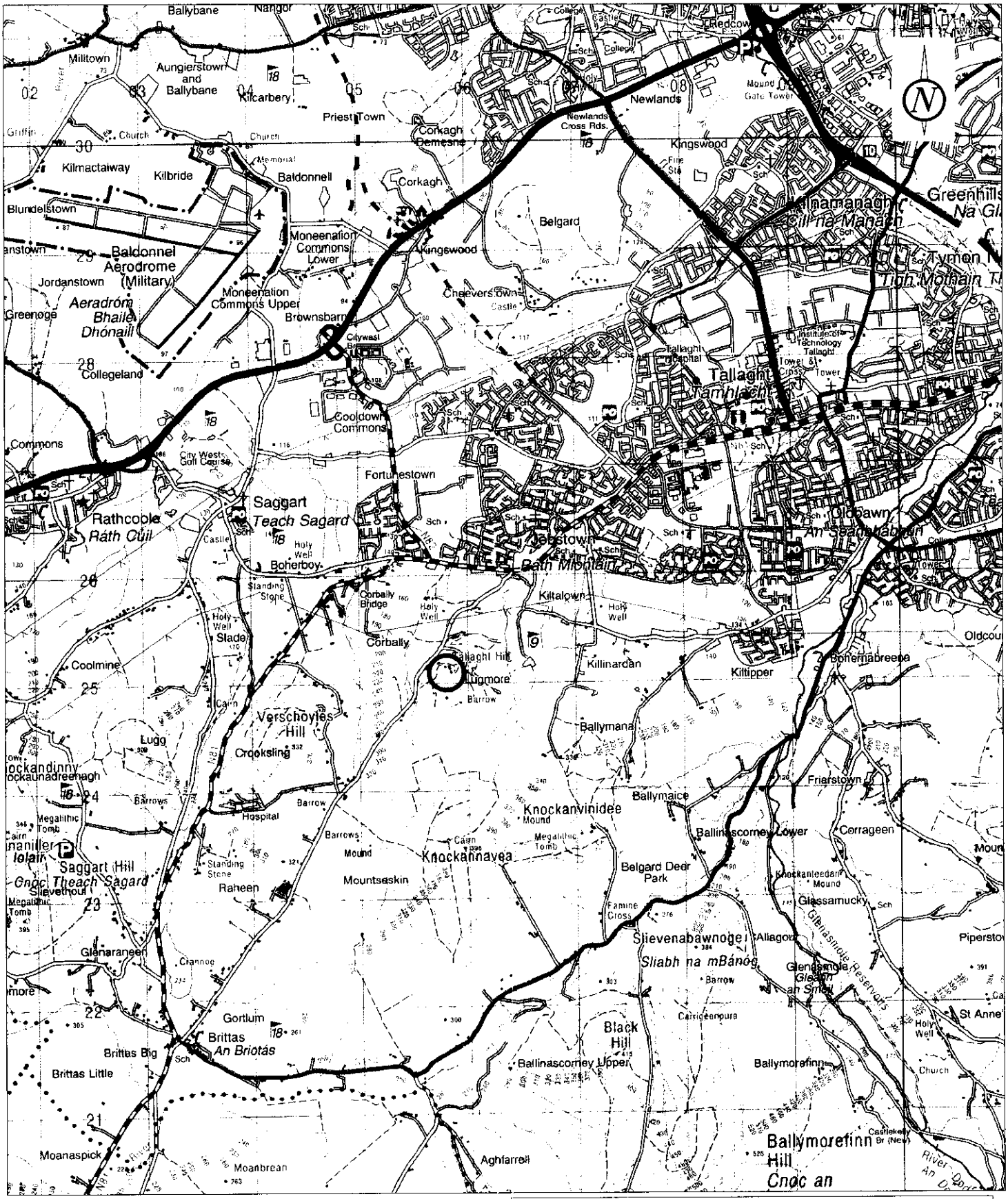
Yours Faithfully,
On behalf of Roadstone Dublin Ltd.

Tim Paul
John Barnett & Associates Ltd.

Enc: Figures 1 – 4, Appendices A & B.

Cc. + Enc. Shane Geraghty (Roadstone Dublin Ltd.)

FIGURES



Extract from 1:50,000 O.S. Discovery Series Map No. 50 (OS *i*)

1:50,000

0m 1000m 3000m

Legend

Site Location

Ordnance Survey Ireland Licence No. SU 0000706
(C) Ordnance Survey & Government of Ireland

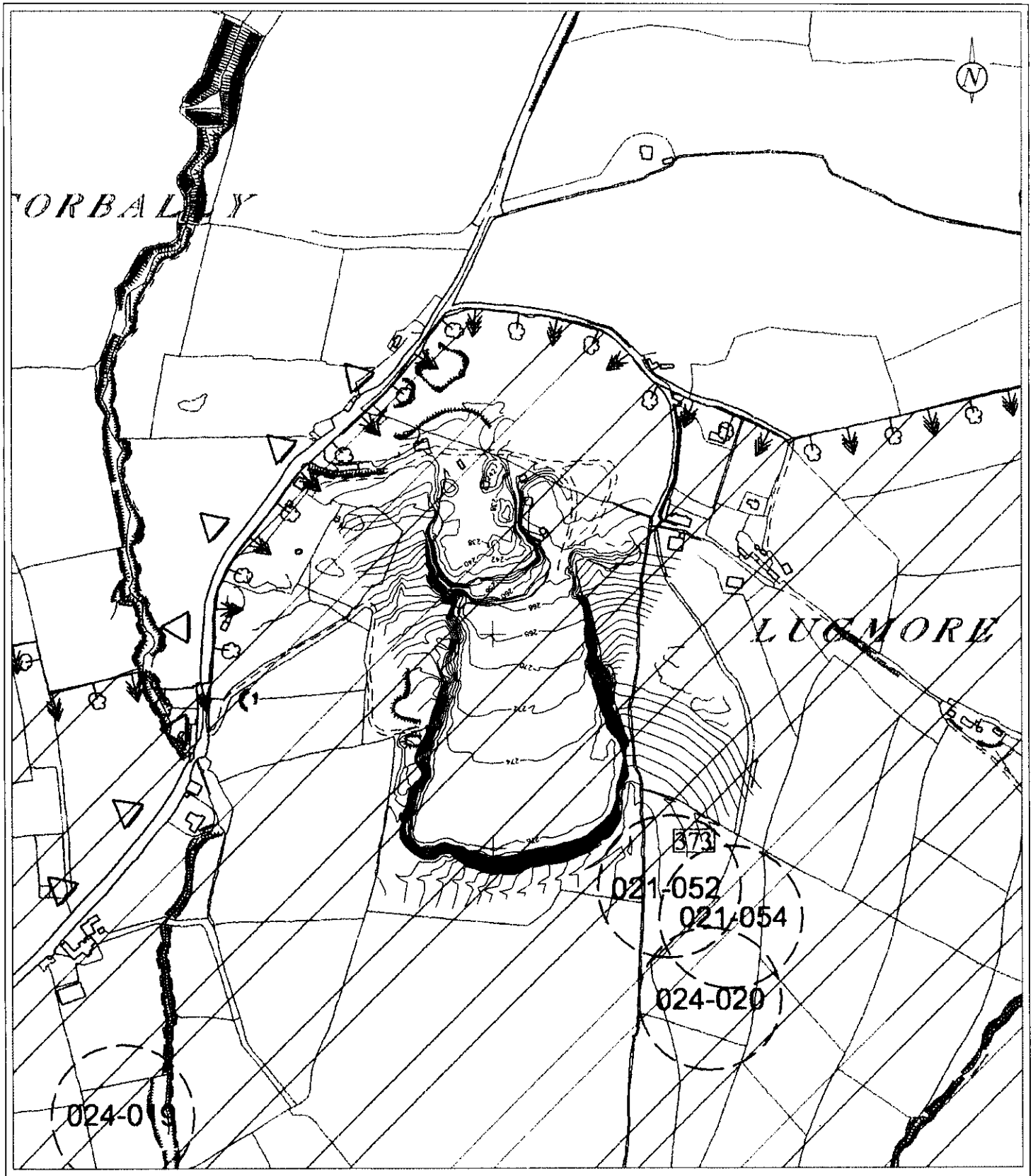
JBA

Roadstone Dublin Ltd.
DeSelby, Saggart, Co. Dublin
LOCATION MAP

Author: gf
Date: Mar 2006

Figure 1

John Barnett & Associates Ltd, 7 Dundrum Business Park, Windy Arbour, Dublin 14



Scale 1:5,000

0m 150m 450m

Note: Site is located below the 350m contour restriction as stated in Chapter 10 Table 10.13 of the South Dublin County Council Development Plan 2004 - 2010

LEGEND

- Zoning Objective 'H' (SDCC CDP 2004 - 2010)
- Quarry Area
- Record of Monuments and Places
- Record of Protected Structures

JBA

John Barnett & Associates
Chartered Minerals Surveyors
Environmental, Planning & Geotechnical Consultants

Extract from South Dublin County Council CDP 2004 - 2010 Map No.7

Ordnance Survey Ireland Licence No. SU 0000706 (C) Ordnance Survey and Government of Ireland

Project: **Roadstone Dublin Ltd. De Selby Quarry Saggart, Co. Dublin**

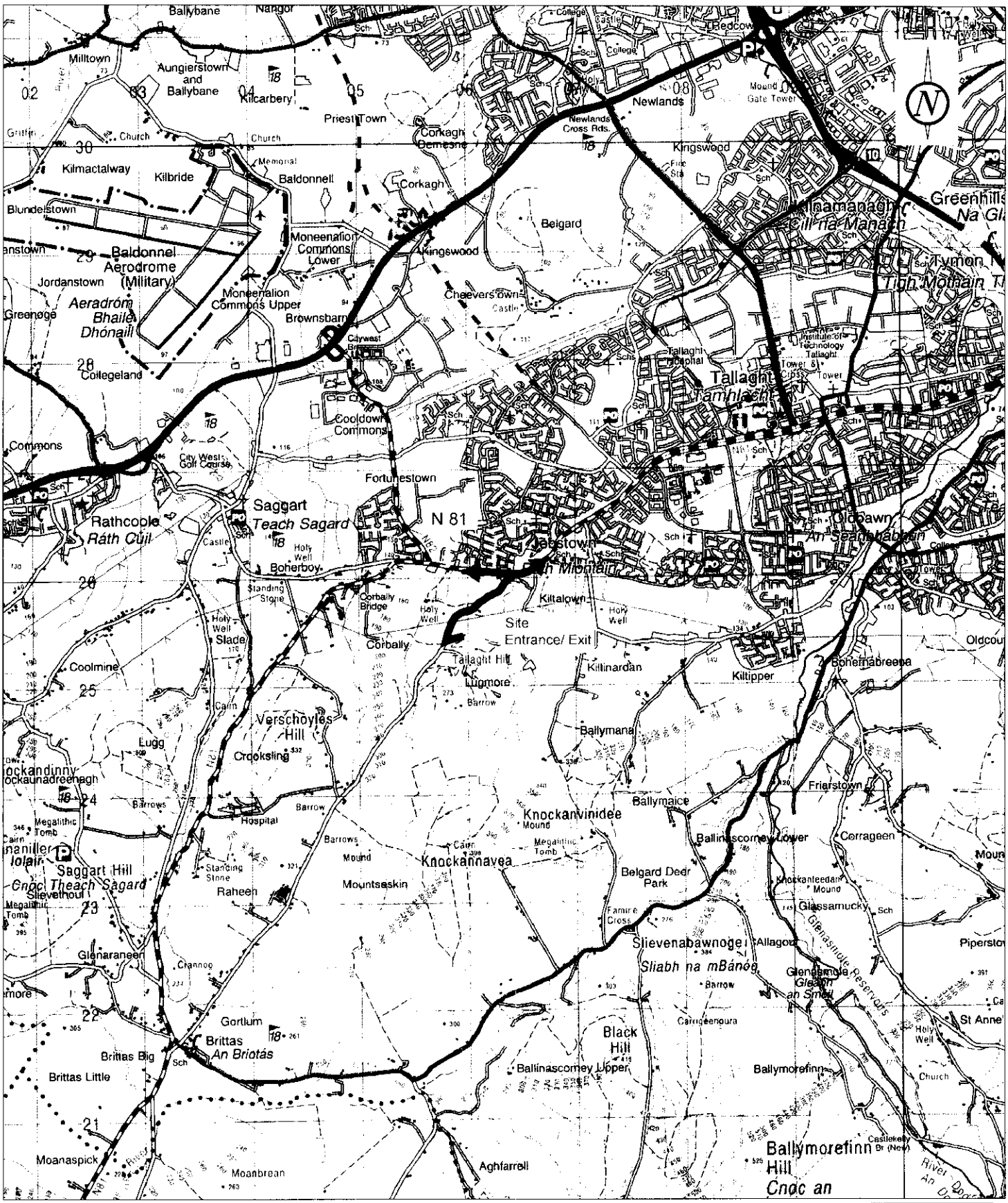
Title: **Extract from South Dublin Co. Council CDP 2004 - 2010**

Figure 2

Author: gf

Date: March 2006

Ref: 3371



Extract from 1:50,000 O.S. Discovery Series Map No. 50 (OS ℮)

1:50,000

0m 1000m 3000m

Legend

Traffic Route

Ordnance Survey Ireland Licence No. SU 0000706
(C) Ordnance Survey & Government of Ireland

JBA

Roadstone Dublin Ltd.
DeSelby, Saggart, Co. Dublin
TRAFFIC ROUTE MAP

Author: gf
Date: Mar 2006

Figure 3

John Barnett & Associates Ltd, 7 Dundrum Business Park, Windy Arbour, Dublin 14

APPENDIX A

ISO 14001 ACCREDITTED ENVIRONMENTAL MANAGEMENT SYSTEM

The National Standards Authority of Ireland (NSAI) accredited Roadstone Dublin Limited with a Certificate of Registration of Environmental System to I.S. EN ISO 14001:2004 and this accreditation includes De Selby Quarry. A copy of the current Certificate of Registration is enclosed.

An Environmental Management System (EMS) is in operation at De Selby Quarry, which is operated and recorded under the following procedural headings –

- Master List of documents for each site
- Initial Environmental Review
- Assessment of impacts to determine significance
- Company Environmental Manual
- Site Operational Manual
- Archaeology and Ecology procedure
- Blasting Manual
- Environmental Training plan
- Transport Manual
- Waste Management Procedure
- Communications procedure
- Dust Suppression Guidelines
- Emergency Response Procedure
- Monitoring and measurement procedure
- New Chemicals procedure
- Procedure for assessing impacts
- Register of legislation
- Procedure for receiving oil
- Improvement Programmes
- Subcontractor's Green Guide
- Decommissioning Procedure

De Selby Quarry is audited annually by the NSAI and our Environmental Officer using the criteria outlined above. The system is reviewed and updated each year.

A copy of the EMS for De Selby Quarry is available for inspection by the Planning Authority on request.

National Standards Authority of Ireland

Certificate of Registration of Environmental System to I.S. EN ISO 14001:2004

The National Standards Authority of Ireland certifies that

Roadstone Dublin Ltd

DeSelby Quarry
Tallaght
Co Dublin

has been assessed and deemed to comply with the provisions of the above standard in respect of the scope of operations given below.

Scope of Registration

The manufacture and supply of the following group products; aggregates, sands, quarry products, architectural masonry, concrete blocks and bricks, concrete paving products, concrete, plaster and mortar

Registration Number:	**14.0256**
Original Registration:	**04 September 2002**
Last Amended on:	**25 October 2005**
Remains valid until:	**24 October 2008**

Signed: Simon Kelly — Simon Kelly - Chief Executive Officer

Signed: Daniel Tierney — Daniel Tierney – Chairperson of the Board

IQNet

NSAI is a partner of IQNET – the international certification network (www.iqnet-certification.com)
The validity of this certificate is maintained through on-going surveillance inspections.

Issued on 02 December 2005

National Standards Authority of Ireland, Glasnevin, Dublin 9, Ireland

APPENDIX B

ENVIRONMENTAL MONITORING RESULTS
(Refer to Figure 4 for Monitoring Locations)

- **Dust Deposition**
- **Noise**
- **Blasting**

Dust Monitoring Results

Type: Dust Deposition

Method: Bergerhoff Horizontal Gauge (Total Dust)

Location: De Selby Quarry

Date	Location	Apr	Sep	Mean
		Total Dust (mg/m²/day) averaged over 30 days		
2004				
	D1	31	73	52
2005				
	D1	117	172	145

Date	Location	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Mean
		Total Dust (mg/m²/day) averaged over 30 days										
2006												
	D1	72										72

Note:-

Department of Environment, Heritage & Local Government (2004): "Quarries and Ancillary Activities - Guidelines for Planning Authorities"
Total Dust Deposition (soluble and insoluble): Threshold limit is 350 milligrams per square metre per day (when averaged over a 30-day period).

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www.jba.ie

Roadstone Dublin Ltd.

De Selby, Saggart, Co. Dublin

ENVIRONMENTAL NOISE REPORT

(3rd April 2006)

3rd April 2006

Prepared By:

John Barnett & Associates Ltd.
CSA House
Unit 7 Dundrum Business Park
Windy Arbour
Dublin 14

Directors: J. Barnett MSc FRICS MIMinE FIQ, T. Paul CEng MIEI MICE MRICS MIQ
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A member of the CSA Group

CONTENTS

1.0 Introduction

2.0 Noise Survey Methodology

3.0 Weather Conditions

4.0 Noise Monitoring Results

5.0 Discussion of Results

6.0 Conclusions

FIGURES

Figure 4 Environmental Monitoring Plan

1.0 Introduction

The following are results of noise monitoring survey carried out on 3rd April 2006.

2.0 Noise Survey Methodology

Continuous noise monitoring was carried out at two locations (N1 and N2) on the following dates using a Larson Davis Model 824 Sound Level Meter, which were calibrated using a Larson Davis Acoustic Calibrator CAL 200. The locations of the 2 noise monitoring stations are shown on Figure 4 attached. Noise monitoring was carried out in accordance with BS5228: Part 1 (1997) "Noise and vibration control on construction and open sites – Code of practice for basic information and procedure for noise control".

Noise Measurement Parameters

During the noise survey, 3 environmental noise parameters were measured. These are defined below.

L_{Aeq} is the A-weighted equivalent continuous steady sound level during the sample period and effectively represents an "average" value.

L_{A10} is the A-weighted sound level that is exceeded for 10% of the sample period; this parameter is typically used to quantify traffic noise.

L_{A90} is the A-weighted sound level that is exceeded for 90% of the sample period; this parameter is typically used to quantify background noise.

A-weighting is the process by which noise levels are corrected to account for the non-linear frequency response of the human ear. All noise levels are quoted in dB(A) relative to a sound pressure of 20μPa.

3.0 Weather Conditions

Weather conditions for the monitoring periods were as follows:

3rd April 2006
N1: Sunny, dry and windy. Wind 3.5 – 4.2m/s
N2: Overcast, dry and breezy. Wind 2.5 – 3m/s

4.0 Monitoring Results

The monitoring results for the 3rd April are provided below in Table 1.

Table 1 Noise Monitoring Results (3rd April, 2006)

Location	Date	Time	Measured Noise Levels – dB(A)		
			$L_{Aeq, 1hr}$	$L_{A10, 1hr}$	$L_{A90, 1hr}$
N1 (824)	03/04/06	11:09 – 12:09	56.9	58.1	53.0
			56.9	**58.1**	**53.0**
N2 (824)	03/04/06	12:18 – 12:48	49.5	51.8	45.2
N2 (824)	03/04/06	13:01 – 13:31	48.7	50.5	44.2
			49.1	**51.2**	**44.7**

5.0 Discussion of Results

Location N1

3rd April 2006

Noise monitoring results obtained at N1 were 56.9 dB $L_{Aeq,\ 1hr}$. The noise levels obtained at this location were greatly affected by wind due to the exposed nature of the monitoring location. The results are not representative of noise levels at the nearest noise sensitive receptor, arising from quarry operations.

Noise occurring for the majority of the measurement time (i.e. background noise level which is exceeded for 90% of the time) as indicated by the L_{90} values was 53.0 dB $L_{A90,\ 1hr}$ at N1.

Location N2

3rd April 2006

Noise monitoring at N2 recorded noise levels of 49.1 dB $L_{Aeq,\ 1hr}$. The noise levels experienced at the nearest noise sensitive location would be less than these levels due to a combination of distance attenuation and screening.

Noise occurring for majority of the measurement time (i.e. background noise levels which is exceeded for 90% of the time) as indicated by the L_{90} values was 44.7 dB $L_{A90,\ 1hr}$.

6.0 Conclusions

The noise levels recorded at N1 were affected by wind conditions during the monitoring period, and were not representative of quarry operations.

The resultant noise levels recorded at N2 were below the noise threshold limit value of 55 dB(A), recommended in Section 4.7 (c) of the DoEHLG (2004) planning guidelines.

The development complies with the noise threshold limits recommended in Quarries and Ancillary Activities: Guidelines for Planning Authorities (DoEHLG, 2004):

(a) *an $L_{Aeq,1hr}$ value of 55 dB(A)- Daytime,* at the nearest noise sensitive location.

(b) *an $L_{Aeq,15min}$ level of 45 dB(A)- Nightime,* at the nearest noise sensitive location.

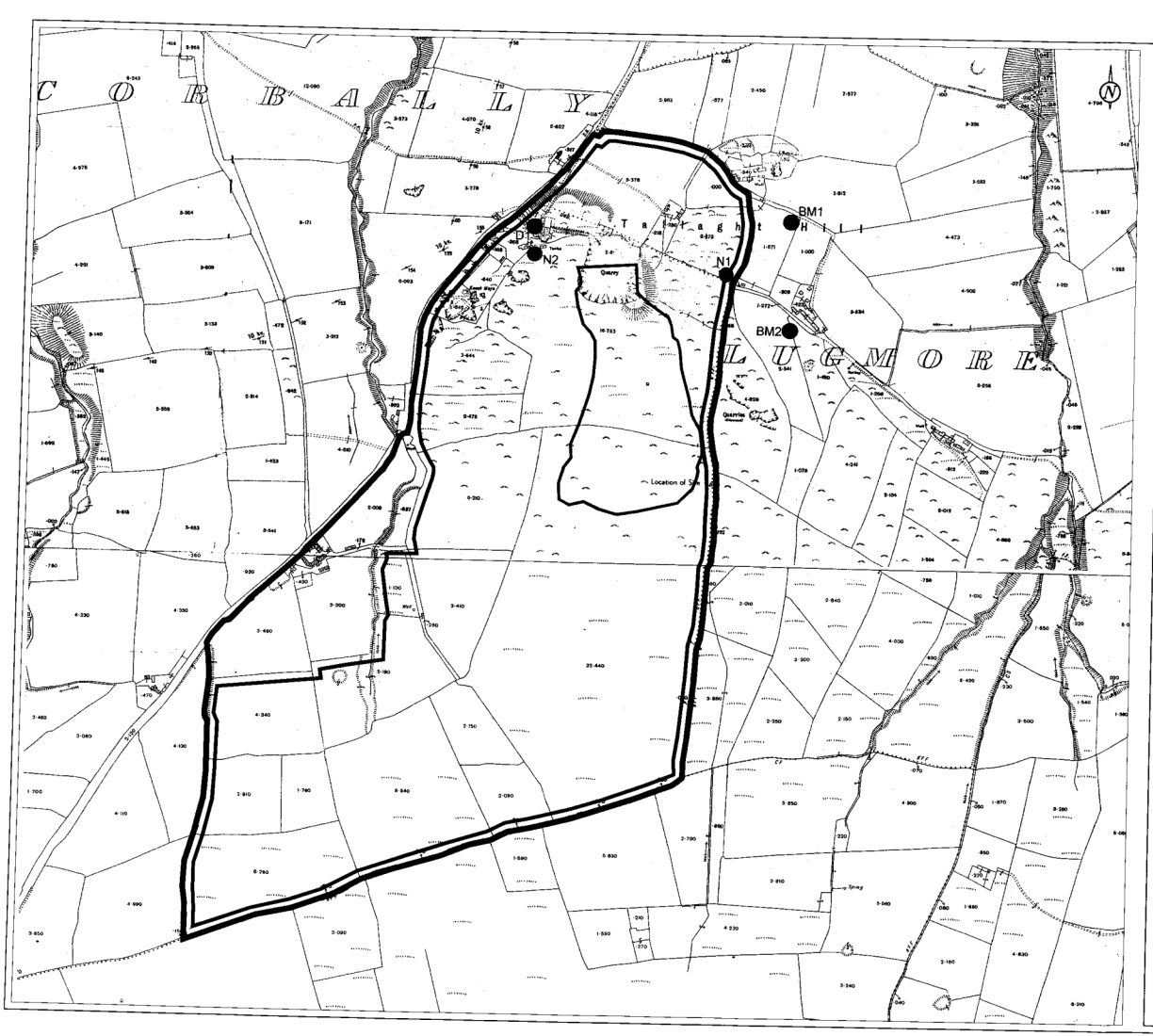
Blast Monitoring Results – De Selby Quarry

Date	Location	PPV			Air Overpressure dB(L)
		Tran (mm/s)	Vert (mm/s)	Long (mm/s)	
8/7/03	BM1	5.0	4.0	3.0	128.0
8/7/03	BM2	4.1	4.5	5.5	127.0
28/1/04	BM1	2.7	4.1	2.0	120.0
2/12/04	BM1	4.1	3.3	3.0	131.0
2/12/04	BM2	3.5	4.0	5.7	132.0
15/11/05*					
14/2/06*	BM1	3.3	3.3	3.7	122.0

Blast monitoring was carried out using a portable unit at fixed monitoring locations.
* Owner of residence at BM2 would not allow blast to be monitored at BM2.

Note:-

Department of Environment, Heritage & Local Government (2004): "Quarries and Ancillary Activities – Guidelines for Planning Authorities"
Peak Particle Velocity (PPV) shall not exceed 12 millimetres per second and Air Overpressure shall not exceed 125 dB(Lin)max. peak with a 95% confidence limit.



LEGEND

- Applicants Interest (c. 51.3ha)
- Extraction Area (c. 43.9ha)
- D1 ● Dust Monitoring Location
- BM1 ● Blast Monitoring Location
- N1 ● Noise Monitoring Location

gf	April '06	Noise Monitoring Locations		

Based on 1:2500 scale digital map Sheet No. Dublin 21-15, 24-3 provided by Ordnance Survey Ireland

Ordnance Survey Ireland Licence No. SU 0000705 (c) Government of Ireland

roadstone

ROADSTONE DUBLIN LTD.
FORTUNESTOWN
TALLAGHT
DUBLIN 24

Project:

Roadstone Dublin Ltd.

De Selby, Saggart, Co. Dublin

Section 261 Site Plan

Title:

Environmental Monitoring Location

Figure 4

Author: pmc	Ref: 3371
Date: Mar 2005	

B. M.
Can you draft reply?
MK
1/3/07

Mt. Seskin Road,
Corbally,
Saggart,
Co. Dublin.

27/02/2007

M.K.
B.M.

PLANNING DEPARTMENT
0 1 MAR 2007

Planning Dept.
South Dublin County Council
Tallaght,
Dublin 24.

C.C. Mr. Bob Matthews
C.C. Mr. Tom Doherty

RE: Application No. SDQU05A/3- Registration of DeSelby Quarry by Roadstone Dublin Ltd.

Dear Sir/Madam

By chance our son found that Roadstone Dublin Ltd had applied for Registration of a quarry at Mount Seskin Road. On reading a copy of the application we found that there was an amount of incorrect information given by Roadstone Dublin Ltd.

We ***own*** house and land on the site, our folio number DN10735. In landowner and location details ''name and address of landowner if different from owner/operator'' we are listed as N/A – not applicable.

We purchased the farm in 1960 through J.P & M Doyle Auctioneers. An adjacent portion of land which we termed 'the hill' was owned by Roadstone. They quarried into their land until approx 1980 after which it lay idle for about 15 years, much to our relief as the explosions were very disruptive to us, our animals and property.

To compound their lack of recognition that we owned the land, some of which was passed to our son Bryan, no letter of consent to register our property as a quarry was ever sought from us.

During the period of ownership of the entire property, we have extended the dwelling . We pipe our water supply from a well which is now on our son's property but is included in Roadstone Dublin's extraction area. A sheep handling facility has been built, the hay barn moved to another location on the farm from too close proximity to the house for fire safety. We have built sheds for livestock and planted many trees including a number of hardwoods.

I want to convince you that this working family does exist and ***owns*** and operates the lands which Roadstone Dublin Ltd. have included in their application for a quarry without including our folio number or our permission. There is a resounding no to the application for registration of a quarry by Roadstone Dublin Ltd. on our property.

Why were we not made aware of the inclusion of our property in Roadstone Dublin Ltd 's application for a Quarry Registration? Why were we not asked for permission for the inclusion of our property on the application when it so clearly requires that this permission should be sought? With regard to quarry registration what are the requirements for prior notification of the public?
This is clearly a flawed application
We would appreciate an immediate response to this letter.

Yours sincerely,

Thomas F Joyce
Kathleen Joyce

Thomas F. & Kathleen Joyce

COMHAIRLE CHONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL

MEETING OF TALLAGHT AREA COMMITTEE (2)

MONDAY 26TH MARCH 2007

FILE DISCUSSED:	SDQU05A/3
LOCATION:	De Selby Quarry, Townlands Of Corbally & Lugmore, Saggart, Co. Dublin
COMMENTS:	Councillor Hannon queried this application.

BRIAN MORTON & CO
SOLICITORS

Brian Morton B.C.L.

Roderick St. John Walshe B.C.L.

COMMISSIONERS FOR OATHS
LAND AGENTS

TELEPHONE +353 1 493 4432
+353 1 494 1242
DX 95 Dublin
FAX: +353 1 494 1638
E-Mail: brian@mortonsolicitors.ie
www.mortonsolicitors.ie

FIRHOUSE INNS CHAMBERS
FIRHOUSE
DUBLIN 24

Our Ref: **RW/MM**

Your Ref:

FAO: Bob Matthews
South Dublin County Council
Planning Department
Town Centre
Tallaght
Dublin 24

7th March 2007

Re: Thomas Joyce and Brian Joyce – Roadstone Ireland Limited
Lands at Corbally, Tallaght, Dublin

Dear Sir,

We enclose copy correspondence for your attention.

Yours Faithfully

Brian Morton & Company

Roddy
(087) 9531071

Copies of Folios + file plans not enclosed
requested by Pleanala today BM 8/03/07

BRIAN MORTON & CO
SOLICITORS

Brian Morton B.C.L.
Roderick St. John Walshe B.C.L.

COMMISSIONERS FOR OATHS
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FIRHOUSE INNS CHAMBERS
FIRHOUSE
DUBLIN 24

Our Ref: **RW/MM**

Your Ref:

FAO: Tom Doherty
South Dublin County Council
Planning Department
Town Centre
Tallaght
Dublin 24

7th March 2007

Re: Thomas Joyce and Brian Joyce – Roadstone Ireland Limited
Lands at Corbally, Tallaght, Dublin

Dear Sir,

We are writing to you on behalf of our clients Mr Thomas Joyce and Mr Brian Joyce in relation to an issue that has arisen in connection with their ownership of lands at Corbally, near Tallaght in County Dublin.

Mr Thomas Joyce is the registered owner of lands comprised in Folio 10735 of the Register County Dublin and his son, Mr Brian Joyce is the registered owner of lands comprised in Folio 65894F of the Register County Dublin.

It has recently come to the attention of our clients that an application was made to you by Mr Shane Geraghty on behalf of Roadstone Dublin Limited on the 22nd of April 2005 to have a quarry situate in the townlands of Corbally and Lugmore registered pursuant to section 261 of the Planning and Development Act 2000. Our client has obtained a copy of the application form and he is most concerned at a number of serious deficiencies in the application form. We attach a copy of the form for your information.

1. The map attached to Appendix F of the application outlines the extent of the quarry and appears to include the lands comprised in the Folios owned by our clients. This is most surprising as Mr Thomas Joyce purchased the said lands in or about 1961 and has never been aware of the interest of Roadstone or any other party in the lands. Neither of the Folios disclose any interest held by Roadstone or any associated party and I enclose for your information, copies of the two Folios owned by our clients and copies of the respective file plans showing the extent of the lands comprised therein.

2. Appendix B to the application purports to list the Folio numbers of the lands upon which the Quarry is located. You will note that the Folio numbers of our clients are not included in this list, despite the fact that the map appears to incorporate the lands comprised in our clients' Folios.

3. You will note that in response to the requirement to set out the name and address of the landowner if different from the owner or operator of the quarry, the applicant has stated 'N/A'. This is clearly incorrect.

4. In response to the requirement to set out the planning history of the quarry, the applicant has stated that Roadstone has operated the quarry continuously since 1955. This is incorrect. In fact the quarrying operations in this area ceased in or around Christmas 1980 and the workforce was let go in or around the following spring. Quarrying was not recommenced in the area until the mid nineteen-nineties.

5. In relation to the requirement to submit previous planning applications pertaining to the lands in question the applicant omitted to include six applications for planning permission, all of which have been granted, that have been made by our clients in respect of their lands over the last number of years. We enclose a copy list of the said planning applications for your information.

6. In relation to the requirement to submit a letter of consent of the landowner to the registration where the applicant and the landowner are not one and the same, clearly no letter of consent was ever lodged. We can confirm that our clients never gave any consent or permission in relation to the registration

You should be aware that our clients have lived on and farmed the lands comprised in the said Folios since 1961. They have only discovered the existence of the registration on the 16th of February 2007.

In our view the registration of this quarry is seriously flawed and is invalid having regard to the deficiencies and inaccuracies contained in the application and set out above.

Accordingly, we now call on you to correct the Register by reconfiguring the map so that the quarry no longer appears to be registered over lands in the ownership of our clients and comprised in Folios 10735 of the Register County Dublin and Folio

65894F of the Register County Dublin. In the alternative we would request that you delete the registration procured by this applicant in its entirety on the basis of its inherent invalidity.

We trust that your own internal procedures will be adequate to deal with this matter but we are instructed that if the registration is permitted to remain intact in its present form and purporting to include lands in the ownership of our clients, we have our clients' authority to issue legal proceedings seeking that the registration be quashed and the Register amended accordingly and such other consequential reliefs, including the costs of such proceedings, as may be required to remedy this situation.

We look forward to hearing from you in early course.

Yours Faithfully

Brian Morton & Company

C.C. Bob Matthews

FIRHOUSE INNS CHAMBERS
FIRHOUSE
DUBLIN 24

BRIAN MORTON & COMPANY SOLICITORS

Fax

To: South Dublin Co Council **From:** Roddy Walshe

Fax: 414 9104 **Pages:** 12

Phone: **Date:** 9th March 07

Re: Brian Joyce and Roadstone / CRH Grant Co **CC:** Registration of a Quarry

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Enclose copy correspondence and documentation relating to same.

BMortonB

BRIAN MORTON & CO
SOLICITORS

Brian Morton B.C.L.
Roderick St. John Walsho B.C.L.

COMMISSIONERS FOR OATHS
LAND AGENTS

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FIRHOUSE INNS CHAMBERS
FIRHOUSE
DUBLIN 24

Our Ref: **RW/MM**

Your Ref:

FAO: Tom Doherty
South Dublin County Council
Planning Department
Town Centre
Tallaght
Dublin 24

7th March 2007

Re: Thomas Joyce and Brian Joyce – Roadstone Ireland Limited
Lands at Corbally, Tallaght, Dublin

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We look forward to hearing from you in early course.

Yours Faithfully

Brian Morton & Company

C.C. Bob Matthews

SDQU05A/3

roadstone

Roadstone Dublin Ltd.

Fortunestown
Tallaght
Dublin 24

Tel: (+353 1) 404 1200
Fax: (+353 1) 404 1321
Web: www.roadstone.ie
email: info@roadstone.ie

~~SDQU05A/3~~

APPLICATION
Lett-2

20th April 2005

Planning Department
South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24

SOUTH DUBLIN COUNTY
Planning Dept.
PUBLIC COUNTER
22 APR 2005
Development

BY HAND

Re: Registration of a Quarry under Section 261 of the Planning and Development Act, 2000 – De Selby Quarry

Dear Sir/Madam,

Please find attached the following registration documentation for our quarry in the Townlands of Corbally and Lugmore, Mount Seskin Road, Saggart, Co. Dublin.

- Completed Registration Form
- 1:2500 Map (see Appendix F – Figure 1)
- List of Company Directors
- List of Land Registry Folios
- Evidence of pre 1st October 1964 status
- Environmental Monitoring Results – dust deposition and blasting (ground borne vibration & air overpressure)

Roadstone Dublin Limited has operated an environmental management system (EMS) since 2001. This EMS covers De Selby Quarry, and addresses all of the environmental aspects of quarrying at the site. Our EMS has ISO 14001 accreditation, certified by the NSAI.

The monitoring results submitted as part of this registration confirm that quarrying activities at this site comply with the environmental thresholds set out in Section 4.7 of the Quarries and Ancillary Activities: Guidelines for Planning Authorities (Department of Environment, Heritage & Local Government (DoEHLG)).

Directors A M O'Loghlen Chairman, J Farrell Managing S Alegre, F Dyms, T O Clarke, D J Dempsey, D Doyle O Mahon, P G Martin, M O'Connor, G Richardson, G Gowran Secretary
Registered in Ireland Reg No. 11036 Registered Office Fortunestown, Tallaght Dublin 24
A CRH Group Company

The quarry commenced operations before 1st October 1964. It is not located within a European or other designated site. The company considers that the local authority should impose conditions on the operation of the quarry, as provided for under Section 261 of the Planning & Development Act, 2000.

Please confirm receipt of this quarry registration. Any future correspondence in relation to this matter should be addressed to the undersigned at Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24.

Yours faithfully,

Shane Geraghty
ROADSTONE DUBLIN LIMITED

Enc. Copy of Registration Documentation – De Selby Quarry

SOUTH DUBLIN COUNTY COUNCIL

APPLICATION FORM FOR REGISTRATION OF A QUARRY UNDER SECTION 261 OF THE PLANNING AND DEVELOPMENT ACT, 2000

Please answer all questions on the application form

Details of Quarry Owner / Operator

Name of Owner / Operator of Quarry	Roadstone Dublin Limited		
Address for correspondence:	S Geraghty, Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24		
Telephone number	(01) 4041307	Mobile Telephone No	(087) 2138730
Fax No	(01) 4141018	E-mail Address (if any)	sgeraghty@roadstone.ie

If owner/operator is a company, please state-:

Name of Company	Roadstone Dublin Limited
Names of Company Directors	See Appendix A
Registered Address of Company	Fortunestown, Tallaght, Dublin 24
Companies Office Registration Number	11035

Landowner and Location details

Name and address of landowner (if different from owner / operator)	N/A
Location, townland or postal address of quarry	Townlands of Corbally & Lugmore

A site location map to a scale of not less than 1:2500 should be submitted with the application for registration. The map should indicate
(b) the current site boundary (outlined in red) and
(b) the current workable area (outlined in blue) **See Appendix F**
State the Ordnance Survey Map Ref No. and the Grid Reference if available

Folio No(s). of lands on which Quarry is located	See Appendix B
When were the lands in each Folio acquired for Quarrying purposes.	See Appendix B

Planning History of Quarry

Was planning permission granted for the Quarry under Part IV of the Local Government (Planning and Development) Act, 1963 or Part III of the Planning and Development Act 2000? (If yes, please quote the reference number of the permission and include a copy if possible)	YES ☐ NO ■ Planning Register Reference Numbers.
Did the quarry commence operation before 1 October 1964 If YES, supporting documentary evidence should be submitted with your application.	YES ■ NO ☐ See Appendix G
If YES, what date did the Quarry operation commence on the land? If the operation of the quarry was only periodic, please give details of dates of operation if known (See Chapter 5 of Guidelines)	Circa 1913 The Quarry has been in operation since the 1910's or 1920's. Roadstone has operated the Quarry continuously since 1955.

Details of Quarry Operation

Are quarry operations currently being carried out on the site?	YES ■ NO □	
Is the site normally used for quarry operations on a seasonal or occasional basis?	YES □ NO ■	
Are quarry operations temporarily suspended?	YES □ NO ■	
If YES when were quarry operations last carried out on the site?		
Total area of Quarry (hectares) including extracted area	51.3	hectares
Type of material being extracted	Dolerite	
Annual extraction rate (tonnes)	Commercially confidential information	
Method of extraction	Drill and blast	
Please give details of any ancillary processing or manufacturing operations on the site (e.g. concrete blocks, asphalt, etc.)	None	

Quarry Operational Details

Plant operating hours	(a) Weekdays	0700 hrs to 1800 hrs
	(b) Saturdays	0700 hrs to 1800 hrs
Loading/Off-site Haulage Hours (if different from above)	(a) Weekdays	0700 hrs to 1800 hrs
	(b) Saturdays	0700 hrs to 1800 hrs
Operating hours (outside normal Opening hours) to service exceptional customer requirements:	(a) Weekdays	See Appendix C
	(b) Saturdays	See Appendix C
Give details of the traffic generated by the operation of the quarry?	Ten (10) tipper truck movements per hour, that is, five (5) entering and five (5) leaving the quarry per hour	
Give type and frequency of vehicles entering and leaving the quarry.	Same as above	
Please give details of emissions (noise, dust, water, etc) from the quarry where measurements are available.	See Appendix D	

APPLICATION FORM letter

South Dublin County Council

S. 261 Registration of Quarries - Form

Please note that any changes to the particulars set out above must be brought to the attention of the Planning Authority as soon as possible.

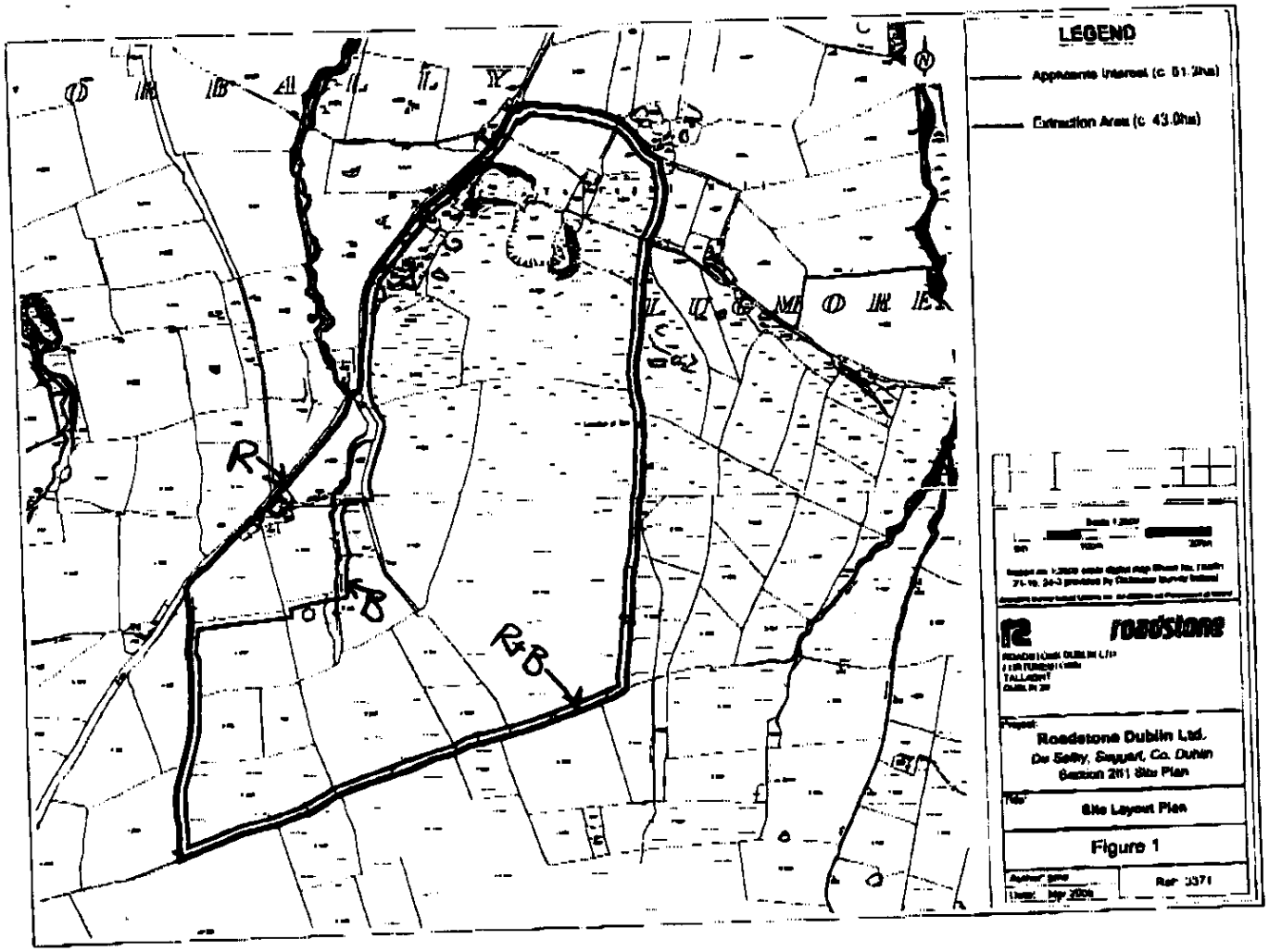
Full Name (BLOCK CAPITALS)	PATRICK MARTIN
Signature	[signature]
Position with firm / company *(if applicable)* [2]	DIRECTOR
Date	22/4/05

[2] Where registration is on behalf of a company, the form must be signed by a company director/secretary

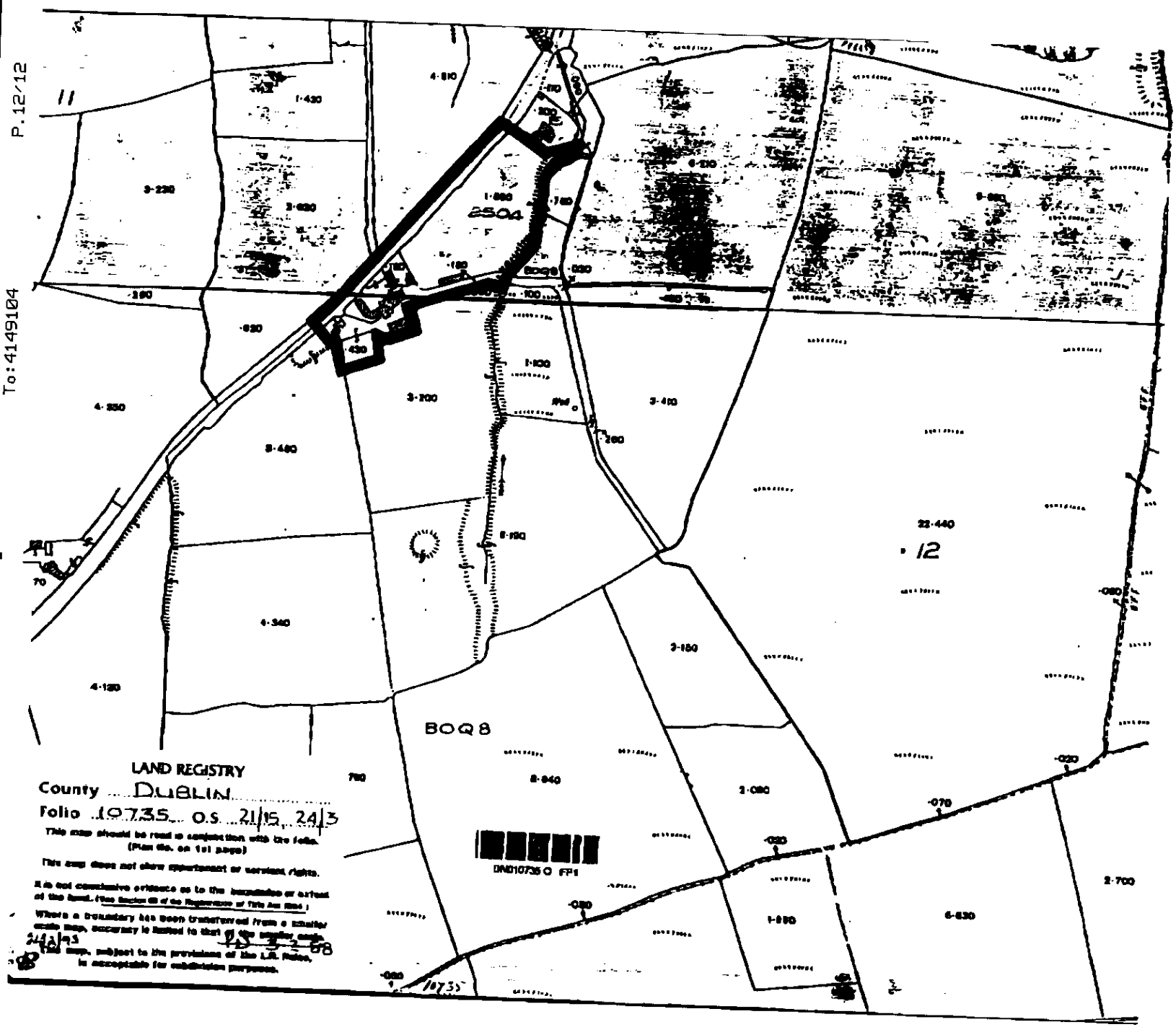
(Note: You are advised that additional details can be submitted in separate sheets where the Application Form does not give adequate space.)

This application for registration when completed should be forwarded on or before 27th April 2005 to -

Planning Department,
South Dublin County Council,
County Hall,
Town Centre,
Tallaght,
Dublin 24.



Layout Block Plans


2504
BOQ8
22·440
12
LAND REGISTRY
County DUBLIN
Folio 19735 O.S. 21/15, 24/3
This map should be read in conjunction with the folio. (Plan No. on 1st page)
This map does not show appurtenant or servient rights.
It is not conclusive evidence as to the boundaries or extent of the land. (See Section 69 of the Registration of Title Act 1964.)
Where a boundary has been transferred from a smaller scale map, accuracy is limited to that of the smaller scale.
This map, subject to the provisions of the L.R. Rules, is acceptable for registration purposes.
24/6/93
DN010735 O FP1
19735

FIRHOUSE INNS CHAMBERS
FIRHOUSE
DUBLIN 24

BRIAN MORTON & COMPANY SOLICITORS

Fax

To: Bob Matthews From: Caddy Walshe

Fax: Pages:

Phone: Date: 9/3/07

Re: CC:

☑ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Land Registry

County Dublin **Folio 65894F**

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	PLANS :B0Q8 TOWNLAND :CORBALLY BARONY :UPPERCROSS OS REFERENCE :24/3 & 21/15 THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS	FROM FOLIO DN010735

File Plan Issued: Yes

Land Cert Issued: No

Collection No.:

09-MAR-2007 12:02 From: To:4149104 P.2/12

Land Registry

County Dublin

Folio 65894F

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	95DN11506	06 JUN 1995	.0000	GC3F	DN104324F

09-MAR-2007 12:02 From: To:4149104 P.3/12

Land Registry

County Dublin **Folio 65894F**

Part 2 - Ownership

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
001	04-JAN-1988 88DN00101	BRIAN JOYCE (FARMER) MOUNT SESKIN ROAD, CORBALLY, S AGGART, COUNTY DUBLIN IS FULL OWNER

09-MAR-2007 12:02 From: To:4149104 P.4/12

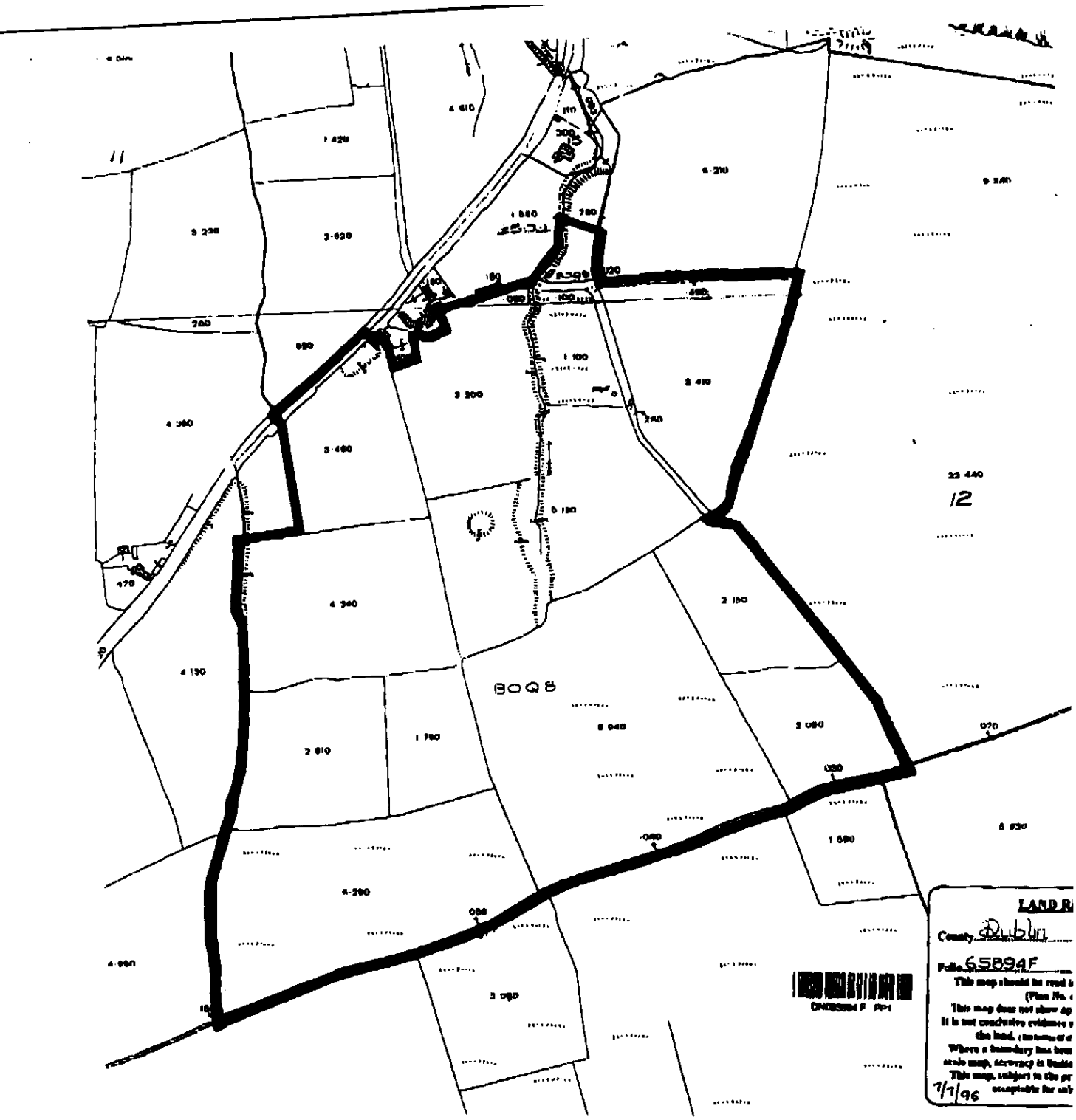
Land Registry

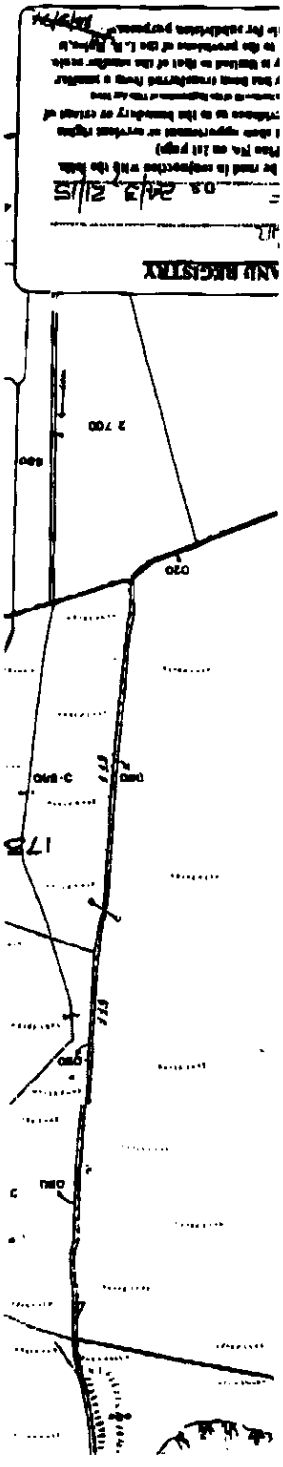
County Dublin Folio 65894F

Part 3 - Burdens and Notices of Burdens

No.		Particulars
01		THE PROPERTY IS SUBJECT TO THE PROVISIONS PROHIBITING LETTING, SUBLETTING OR SUBDIVISION SPECIFIED IN SECTION 12 OF THE LAND ACT, 1965, AND TO THE PROVISIONS RESTRICTING THE VESTING OF INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.
002		THE PROPERTY IS SUBJECT TO THE FISHING RIGHTS AND FISHERIES (IF ANY) RESERVED BY SECTION 45 OF THE LAND ACT, 1923, AS AMENDED BY SECTION 3 OF THE LAND ACT, 1929
003	19-DEC-1994 94DN26352	FULL RIGHT AND LIBERTY FOR THOMAS JOYCE AND KATHLEEN JOYCE, THEIR HEIRS AND ASSIGNS AND THEIR LICENCEES TO DRAW WATER FROM THE WELL BY MEANS OF PIPELINE, SHOWN COLOURED BLUE AND LETTERED A-B OVER PLAN BOQ8 HEREIN

09-MAR-2007 12:02 From: To:4149104 P.5/12


12
BOQ8
LAND R
County Dublin
Folio 65894F
7/7/96



Land Registry

County Dublin Folio 10735

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	PLANS : 2504 TOWNLAND : CORBALLY BARONY :UPPERCROSS AREA : 19.83 HECTARES OS REFERENCE :21/15,24/3 THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS	FROM FOLIO 8262

File Plan Issued: Yes Page 1 of 4
Land Cert Issued: Yes

Collection No.: 7/10/42 7/10/40 7/10/39

Land Registry

County Dublin Folio 10735

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	88DN00101	04-JAN 1988	.0000	B0Q8	DN65894F

09-MAR-2007 12:02 From: To:41491104 P.9/12

Land Registry

County Dublin Folio 10735

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
~~001~~	~~27~~-MAY 1961 2405/5~~/61~~	~~THOMAS JOYCE (FARMER) MOUNT SESKIN ROAD, CORBALLY, S AGGART, CO DUBLIN IS FULL OWNER~~
002	24-NOV-1993 93DN22710	THOMAS JOYCE MOUNT SESKIN ROAD, CORBALLY, S AGGART, COUNTY DUBLIN KATHLEEN JOYCE MOUNT SESKIN ROAD, CORBALLY, S AGGART, COUNTY DUBLIN ARE FULL OWNERS

Land Cert Req No.: 3633
Date: 14-JAN-1994
Issued to: O'KEEFFE & LYNCH, SOLRS., 30, MOLESWORTH STREET, DUBLIN 2
Address:

09-MAR-2007 12:02 From: To:41491104 P.10/12

Land Registry

County Dublin Folio 10735

Part 3 - Burdens and Notices of Burdens

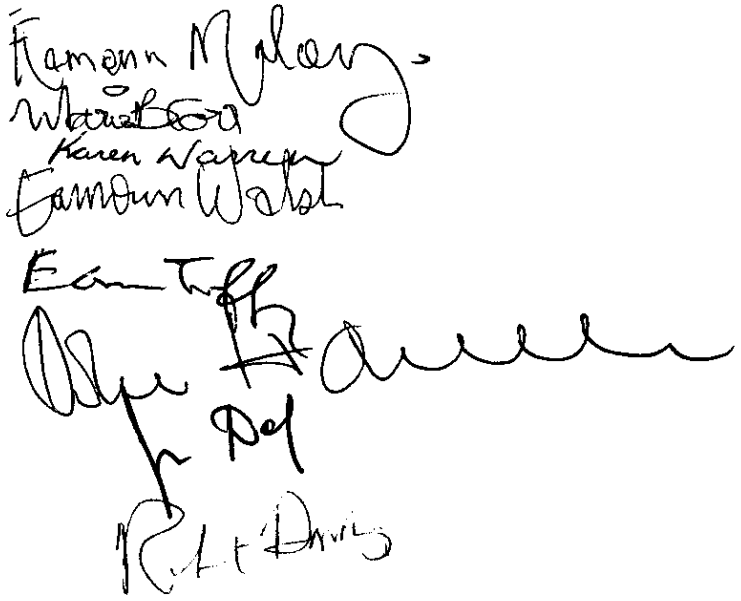
No.		Particulars
01		THE PROPERTY IS SUBJECT TO THE PROVISIONS PROHIBITING LETTING, SUBLETTING OR SUBDIVISION SPECIFIED IN SECTION 12 OF THE LAND ACT, 1965, AND TO THE PROVISIONS RESTRICTING THE VESTING OF INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.
~~02~~		THE ~~PROPERTY IS SUBJECT TO LAND PURCHASE ANNUITY~~
003		THE PROPERTY IS SUBJECT TO THE FISHING RIGHTS AND FISHERIES (IF ANY) RESERVED BY SECTION 45 OF THE LAND ACT, 1923, AS AMENDED BY SECTION 3 OF THE LAND ACT, 1929
~~004~~	~~12 OCT 1978~~ ~~R 10111/78~~	~~CHARGE FOR ALL FUTURE ADVANCES REPAYABLE WITH INTEREST~~ : ~~THE~~ AGRICULTURAL CREDIT CORPORATION LIMITED ~~IS OWNER OF THIS~~ CHARGE NOTE: CANCELLED 4.1.88 88DN00101

09-MAR-2007 12:02 From: To:41491104 P.11/12

EMERGENCY MOTION – Monday 12th March 2007

That this Council immediately cancel the registration of the quarry at De Selby, Saggart, Co. Dublin by Roadstone Limited on the 22nd April 2005, on the basis that information provided by the applicant may be false, and may mislead South Dublin County Council.

Mayor Eamonn Maloney
Cllr. Marie Corr
Cllr. Karen Warren



Patrick J. Tobin & Co. Limited,
Block 10-3,
Blanchardstown Corporate Park,
Dublin 15

FAO Mr. David Rees

17th April, 2007

Re Planning and Development Act 2000 - Section 261
De Selby Quarry, Townlands of Corbally and Lugmore, Saggart.
Register Reference No. SDQU05A/3

Dear Mr. Rees,

I refer to your letter dated 30 March 2007 requesting a further extension of the time period for submission of a planning application and environmental impact statement in respect of the above quarry.

I confirm that the Planning Authority has agreed to extend the time period for submission of a planning application and environmental impact statement in respect of the above quarry up to and including 15th June 2007.

Your sincerely,

P. McNamara,
Administrative Officer.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Orders

Section 261(7) of the Planning & Development Act, 2000 **P/021/07**

De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin
Register Reference SDQU05A/3

Correspondence has been received from Tobin Consulting Engineers on behalf of Roadstone Dublin Limited dated 30th March 2007 requesting the agreement of the Planning Authority to a further extension of the time period for the submission of a planning application and Environmental Impact Statement (EIS) in respect of the above quarry as required under Managers Order Ref. *P/059/06*, for a further period up to 15th June 2007.

The reason stated in the request for a further extension of the time period is that issues have recently arisen with regard to landownership which have implications for the design of the quarry and the development of an appropriate restoration plan. These have caused some delay in the preparation of sections of the application and EIS. It is envisaged by the consultants acting on behalf of Roadstone Dublin Limited that the application and EIS can be submitted by 15th June 2007.

It is considered that a further extension of the time period up to 15th June 2007 is reasonable under the stated circumstances.

I recommend that the period for the submission of the planning application and Environmental Impact Statement be further extended up to and including 15th June 2007.

Michael Kenny

Date: 17th April 2007 **SENIOR PLANNER**

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later than 15th June 2007 in respect of the continued operation of the aforementioned quarry, is hereby authorised.

Tom Doherty

Date: 17th April 2007 **DIRECTOR OF PLANNING**

COMHAIRLE CHONTAE ATHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL
Record of Executive Business and Manager's Orders

P/018/06

Section 261(7) of the Planning & Development Act, 2000

De Selby Quarry located at Corbally and Lugmore, Saggart

Section 261(7) of the Planning & Development Act, 2000

Having regard to the selection criteria prescribed by the Minister under Section 172(2)(e) of the Planning & Development Act 2000 and to the provisions of the South Dublin County Development Plan 2004-2010 it is considered that the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart operated by Roadstone Dublin Limited would be likely to have significant effects on the environment.

I therefore recommend that a Notice under Section 261(7) of the Planning & Development Act 2000 be served on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart.

Dated: 25th April 2006

Administrative Officer

Dated: 20/4/06

Senior Planner

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart, is hereby authorised.

Dated: 20/04/06

Deputy **County Manager**

SOUTH DUBLIN COUNTY COUNCIL

INTERNAL MEMORANDUM

Report re QUARRY REGISTRATION APPLICATION - SDQU05A/3

SUMMARY OF REGISTRATION APPLICATION

Date of Registration	22 April 2005
Location:	De Selby, Corbally and Lugmore, Saggart.
Operator:	Roadstone Dublin Ltd.
Area of Site:	51.3 ha.
Extractable Area:	43 ha.
Extracted Material:	Dolerite
Extraction Method:	Drilling & Blasting
Extraction Rate:	Not Stated
Operating Hours:	07.00 - 18.00
Vehicle Movements:	10 per hour
Ancillary Operations:	None
IPC Licence:	None
Other Licences:	None
Monitoring:	Blasting, Dust
Planning Status:	Pre 1st October 1964 (circa 1913)

SITE LOCATION AND DESCRIPTION

The site is located on elevated lands at Tallaght Hill accessed from Mountseskin Road linking the N81 at Kiltalown to Brittas village. The existing quarry is an extensive excavated area situated on the North facing slope of Tallaght Hill. It is enclosed on the East, South and West sides by steep vertical faces. The southern boundary of the site adjoins the boundary of the Kilsaran Concrete quarry lands at Ballinascorney.

DEVELOPMENT PLAN ZONING AND OTHER OBJECTIVES

Tallaght Hill is included in the Development Plan 2004-2010 as a prospect to be preserved. It is an objective of the Council to preserve this prospect as seen from viewing points at Blessington Road (Killinarden area), Naas Road, and Garter Lane Saggart. The quarry is visible from areas to the North of the site extending from the vicinity of Newcastle village to Tallaght Town Centre.

The area in which the site is located is zoned Objective 'H', "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area", in the Development Plan 2004-2010. The land use activity 'Industry-Extractive' is 'open for consideration' in areas zoned Objective 'H'.

The relevant Development Plan Policies and Objectives are:-

2.3.17 Policy EE17: Extractive Industry
12.3.4 Extractive Industry
9.3.1 Policy LHA 1: Preservation of Landscape Character
9.3.2 Policy LHA 2: Views and Prospects
9.5.1 Policy LHA 15: Dublin Mountain and High Amenity Zones
12.12.7 Upland Mountain Areas/High Amenity Areas
13.5.1 Landscape.

PLANNING HISTORY:

No planning permission exists for this quarry.

ISSUES ARISING:

The extent of the extracted area of the quarry is not clear from the details submitted with the registration application.

The quarry site is located in an area in relation to which it is an objective of the Council "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area". The quarry workings at this location are visible in panoramic views of the Dublin Mountain Area looking southwards from areas in the vicinity of Newcastle village. There are no existing requirements in place under the planning code to ensure the effective reinstatement and landscaping of this quarry site.

The site is accessed from a minor road which joins the N81 at an uncontrolled junction. Heavy goods vehicle traffic generated by the De Selby quarry uses this junction. It is an objective of the Council to initiate works on the extension of the Tallaght By-pass as part of the current six year road development programme.

FURTHER INFORMATION
In accordance with Section 261(3) the applicant was requested by letter dated 30th August 2005 to submit further information as follows:

1. A revised site map to a scale of not less than 1:2,500 indicating (a) the site boundary outlined in red, (b) the extractable area outlined in blue, and (c) the total area extracted to date outlined in green.
2. Details of the current rate of extraction per annum.
3. Clarification as to the total number of vehicle movements generated per hour, calculated on the basis of one entry movement and one exit movement for each vehicle equating to two movements per vehicle.
4. Details of any Environmental Management System in operation at the quarry

Further information was received 28 September 2005 as follows:
1. A revised map has been submitted as requested.

2. The annual rate of extraction has not been stated as it is stated to be commercially confidential. The submission states that this information will be provided on a confidential basis and requests a meeting to discuss the format. The submission notes that this item of information was not contained in the standard recommended section 261 registration form included in the
Guidelines for Planning Authorities (DOEHLG 2004) as the DOEHLG were considerate of the confidential nature of such information.

3. The submission confirms that the total number of vehicle movements generated by the quarry is 10 per hour calculated on the basis of two movements per vehicle. This equates to a total of 110 vehicle movements per day based on the stated operating hours.

4. A copy of a certificate has been submitted in respect of Registration of Environmental Management System at Roadstone Quarries including De Selby quarry, to I.S. EN ISO 14001:1996. The certificate is valid until 3rd September 2005 and a new certificate is awaited from the NSAI. The submission states that an EMS is operated at De Selby quarry and recorded under a number of listed procedural headings, and is available for inspection at the quarry site.

An examinination of the revised site map received 28 September 2005, submitted as Additional Information, and the most recent Ordnance Survey map for the area, indicates that the total area extracted to date at the De Selby Quarry exceeds 5 hectares.

ACTION OPEN TO THE COUNCIL UNDER SECTION 261:

Section 261(6)(i) - Impose Conditions on the Operation of the Quarry
In relation to a quarry which commenced operation before 1st October 1964, a planning authority may impose conditions on the operation of the quarry, having regard to the development plan and submissions or observations made pursuant to a notice under subsection (4) or (5), not later than 2 years from the registration of the quarry.

Section 261(7)(a) - Require Owner / Operator to Apply for Planning Permission
Where the continued operation of a quarry, the extracted area of which is greater than 5 hectares and that commenced operation before 1st October 1964, would be likely to have significant effects on the environment (having regard to any selection criteria prescribed by the Minister under Section 172(2)(e)) a planning authority shall not impose conditions on the operation of a quarry under Section 261(6)(i) but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of the service of the notice, or such other period as may be agreed with the planning authority.

The prescribed selection criteria for determining whether a development would or would not be likely to have significant effects on the environment are set out in Schedule 7 to the Planning & Development Regulations 2001 (S.I. No. 600).

The following criteria included in the prescribed selection criteria are considered relevant to the operation of the subject quarry:-

The characteristics of proposed development,
in particular:
- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,

The environmental sensitivity of geographical areas likely to be affected by proposed development,
having regard in particular to:
- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
    - mountain and forest areas,
    - landscapes of historical, cultural or archaeological significance.

The potential significant effects of proposed development in relation to criteria set out above and having regard in particular to:
- the extent of the impact (geographical area and size of the affected population);
- the magnitude and complexity of the impact;
- the probability of the impact;
- the duration, frequency and reversibility of the impact.

In considering an application made pursuant to Section 261(7)(a) a planning authority and An Bord Pleanala shall have regard to the existing use of the land as a quarry.

PUBLIC CONSULTATION - STATUTORY PUBLIC NOTICE

In accordance with Section 261(4) a public notice was published on the 19th October 2005 inviting submissions in relation to the quarry registration applications received by the Council. The notice stated in respect of the registered quarry at De Selby, Corbally, Tallaght, that the Planning Authority was considering requiring Roadstone Dublin Limited to submit a planning application and EIS.

Three submissions were received in relation to the subject quarry. A submission from Mr. Colm Kenny, Lugmore, Saggart stated as follows:
He welcomes the proposal to require a planning application and EIS in respect of the quarry at Lugmore, which is wholly justified by the negative and detrimental impact that the recommencement of quarrying has on the locality, and is necessary to be commenced as soon as possible to alleviate the intolerable conditions that exist presently at their home.

Upon inspection of the Register of Quarries regarding SDQU05A/3 he became aware of substantial false and misleading information in the registration. The following issues need to be clarified:

1. The combined areas of Folios 1731 and 2504 contain 20.09ha and not 51ha as stated in the application;
2. A map based on 1937 data has been used. When scaled from a certified OS map of scale 1:2,500 the extracted area is greater than the 4.8ha stated (measures 5.9ha);
3. It states no processing of materials is carried out at this location, yet in 2003 crushing and screening operations were ordered to cease by the EHO due to the pollution being caused by these operations.
4. It omits the type of traffic generated by these operations at this location.
5. It falsely states that it has operated since 1955 as this site was closed from 1981 to 1997 and no material was extracted or processed during that period of abandonment.
6. The details of noise, dust and nuisance are inadequate to form a basis of opinion.
7. All details of their ISO accredited Environmental Management System should be disclosed and correlated with the status of the site on the ground as is, and against photographic evidence of operations on the site.
8. As no extraction took place for 15 years the quarry use was extinguished and reverted back to 'nil use'. This would make its present use unauthorised and illegal.

A submission from Councillor John Hannon supports the submission made by Mr. Colm Kenny, and states that Mr Kenny has raised serious issues which are worthy of detailed consideration.

A submission from Roadstone Dublin Ltd. states that they do not consider that the De Selby quarry in the townlands of Corbally and Lugmore, Saggart, falls within the parameters set out in Section 261 i.e. that the continued operation of the quarry, in the opinion of the planning authority, is likely to have significant effects on the environment, and
(a) the extracted area is greater that 5 hectares, or
(b) the quarry is on land which is a European or other designated site.

The submission contends that:

1. The extracted area of the quarry is less than 5 hectares as indicated on the Site Layout Plan submitted on 28th September 2005 in response to the request for additional information.
2. The quarry is not located on land which is a European or other designated site.
3. The following information adequately demonstrates that Roadstone Dublin Ltd. is an environmentally responsible quarry operator and as such considers that our operations at the quarry do not have nor will have any significant effects on the environment.

The quarry is included in the Certificate of Registration of Environmental System I.S EN ISO !4001 accredited to Roadstone by the NSAI. An Environmental Management System is in operation at De Selby quarry. The site is audited annually by the NSAI and Roadstone's Environmental Officer, and the EMS is reviewed and updated each year. Roadstone Dublin Ltd. is a member of the Irish Concrete Federation and is committed to operating De Selby quarry in line with the current best practice guidelines as outlined in the ICF's publication 'Environmental Code for the Aggregate and Concrete Product Industries' (1966).
The environmental monitoring results for blasting (PPV and Air Overpressure) and dust (Total Dust Deposition) given in appendix D of the application are within the threshold limits as recommended in the DOEHLG publication 'Quarries and Ancillary Activities – Guidelines for Planning Authorities' April 2004.

Noise monitoring commissioned and carried out by consultants on behalf of Roadstone Dublin Ltd. subsequent to submission of the application concludes that the noise generated by the activities at the quarry is within the threshold limits as recommended by the Environmental Protection Agency (EPA) when measured at sensitive locations. Water is not discharged from the quarry. Mitigation measures employed on site, to ensure the safe usage and storage of hydrocarbons, and to ensure that traffic associated with the site does not impact negatively on the environment or the local area, are outlined.

The submissions asks the Planning Authority to carefully consider the information outlined in the submission and to impose conditions on the operations of De Selby Quarry, as provided for under subsection (6)(a)(i) of section 261 of the Planning and Development Act 2000, to ensure continued compliance.

CONSULTATION WITH QUARRY OWNER

In accordance with section 261(5)(a)(ii) of the Planning & Development Act 2000 Roadstone Dublin Limited was advised by letter dated 21st February 2006, that the planning authority intends to require the submission of a planning application accompanied by an environmental impact statement in respect of the quarrying operation at the subject quarry, having regard to:

(1) the policies and objectives included in the South Dublin County Development Plan 2004-2010, including land use zoning, extractive industry, views and prospects, landscape protection, natural and built heritage, pollution, traffic, and amenities; and

(2) to the extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation, and the potential for further quarrying; and

(3) to the selection criteria prescribed by the Minister under Section 176(2)(e).

In response to the above letter a submission was received from John Barnett & Associates dated 6th April 2006, on behalf of Roadstone Dublin Limited. The submission states that Roadstone Dublin Limited does not agree with South Dublin County Council's proposal in respect of this quarry. It states that the continued operation of the quarry would not be likely to have 'significant effects on the environment', as evidenced by the submission content. It further contends that section 261(7) requires the planning authority to consider the development only 'having regard to the selection criteria prescribed by the Minister under Section 176(2)(e), i.e. item (3) above. The submission requests the planning authority to reconsider its proposal and to impose conditions on the operation of the quarry in accordance with section 261(6)(a)(i) of the Act.

In support of its contention that the continued operation of the quarry would not be likely to have 'significant effects on the environment' the submission comments on each of the numbered items cited in the council's letter of 21st February, 2006, and refers to the results of noise and dust monitoring carried out on the site as set out in Appendix B to the submission.

In summary the submission contends that with regard to Item (1):

- In relation to Land Use Zoning; De Selby quarry is located below the 350 metre OD contour level and stone extraction is a long established land-use in the area (pre-dating the introduction of county development plans). Quarrying operations are consistent with, and not precluded by the current land use zoning.

- In relation to Extractive Industry; De Selby quarry is an existing quarry and stone extraction is a long established land use in the area. Quarries by their nature are tied to aggregate resource locations. The dolerite deposit at De Selby is a high quality stone resource and aggregate materials are supplied to site development and infrastructure projects in the Greater Dublin Area (for example, the Dublin Light Rail LUAS scheme). Roadstone Dublin Limited has implemented an Environmental Management System at the quarry. This includes best practice mitigation measures and environmental monitoring programme (dust deposition, noise, and blasting). The quarry is worked as a 'dry' operation and no groundwater control measures are required in the day to day quarry operation. The fuel storage tank is bunded. Stone processing is carried out by mobile plant located within the quarry floor. The quarry operates within the Quarries and Ancillary Activities - Guidelines for Planning Authorities, and the future environmental management / monitoring at the quarry can be adequately addressed by way of imposing conditions on the development, as provided for under section 261(6).

- In relation to Views and Prospects / Landscape Protection; De Selby quarry, by virtue of its location / elevation / method and direction of working does not and will not impact on any of the Prospects listed in Table 13.9 of the County Development Plan from viewing points at Blessington Road (Killinarden Area), Naas Road, Garter Lane (Saggart) or Rathcoole Lucan RoadR120 (in the vicinity of Milltown) related to Tallaght Hill, Knockannavea, Verschoyles Hill. On this basis the continued operation of the quarry will not result in any significant environmental (visual / landscape) effects.

- In relation to Natural and Built Environment; the quarry is not located within any ecological area included in table 13.10 of the County Development Plan. Lugmore Glen (National Parks and Wildlife Service Code o1212) is approximately 0.5km to the east of the quarry. There is one Recorded Monument located in the south western part of the quarry lands RMR 024-019 (Enclosure Site). There are three other Recorded Monuments located 50 -100 metres outside the eastern boundary of the quarry lands. Roadstone Dublin Limited complies with the Code of Practice agreed between the Irish Concrete Federation and the Minister for Arts, Heritage, Gaeltacht and the Islands (2002). The company will ensure that all topsoil stripping operations are monitored by a licensed archaeologist, and the quarry working scheme is designed to minimise impact on any known archaeological site. There are no Protected Structures located within the quarry lands. The nearest Protected Structure is located approximately 100 metres from the eastern boundary (Ref No. 373). On this basis the continued operation of the quarry will not result in any significant effects on the natural or built environment.

- In relation to Traffic; There is and will be no significant traffic impact from the continued operation of the quarry. Notwithstanding this Roadstone Dublin Limited will liaise with the area engineer to ensure adequate signage is provided to inform road users of the quarry entrance etc. and would be happy to accept an imposed condition in this regard.

In summary the submission contends that with regard to Item (2):

- In relation to the extent of quarrying carried out to date, the nature scale and extent of the existing quarrying operation and the potential for further quarrying; Roadstone Dublin Limited has assessed the extracted area of the existing quarry to be 4.8 hectares(< 5 hectares 'extracted' area threshold limit). South Dublin County Council state that the "total area extracted to date at the De Selby quarry exceeds 5 hectares". Notwithstanding this difference, it is clear that even if the quarry exceeds the 5 hectares 'extracted' area limit, it is only by a small amount.

  The existing quarry can be considered small to medium scale by its nature and extent when compared to other quarries located within the Greater Dublin Area. Rock is extracted using industry standard blasting techniques. Blasting is carried out 3 to 4 times a year. The fragmented rock is crushed and screened using mobile processing plant located within the quarry floor to produce a range of aggregate products. No aggregate washing is carried out.

  Future quarrying will continue in accordance with current operational practice. Where a material change is to occur (in terms of introducing value added manufacturing activities (concrete or asphalt), or an increase in the scale of the operations) then such a change will require planning permission. Future quarrying in a southerly direction will remain below the 350 metre OD contour level.

In summary the submission contends the following with regard to the selection criteria prescribed by the Minister under Section 176(2)(e):

1. *The characteristics of the proposed development,* in particular:
   - In relation to the Size of the Proposed Development; Notwithstanding the difference in the assessment of the extent of the extracted area, the DoEHLG guidance as set out in 'Environmental Impact Assessment - Guidance for Consent Authorities regarding Sub-Threshold Development' Section 4.1 states that 'consideration of significant effects would not therefore be determined by reference to size only. The nature and location of the development must also be taken into account'. Quarrying operations have been carried out at De Selby Quarry since 1910's / 1920's and Roadstone Dublin Limited has operated the quarry since 1955. There is no evidence to indicate that the size of the quarry has resulted in any significant environmental effects. The environmental management practice and mitigation measures in place at the quarry, in conjunction with the accredited ISO 14001 EMS ensure that quarry operations do not impact significantly on the environment.

   - In relation to the Cumulation with Other Proposed Development; There are no other quarries in the vicinity of De Selby quarry and therefore no cumulative effects on the environment arise in this case.

   - In relation to the Use of Natural Resources; DE Selby quarry works Dolerite stone deposits. Roadstone Dublin Limited recognises that the dolerite deposits are a finite resource and extraction is managed in a sustainable manner. The dolerite stone is extracted and processed in an efficient sustainable manner thereby ensuring that there are sufficient extractable shale reserves for future generations whilst ensuring adequate security of supply for present development in the Greater Dublin Area.

   - In relation to the Production of Waste; no waste is produced during extraction / processing of dolerite into aggregate products at the quarry. The EMS implemented at the quarry provides for the management of any man-made waste arising on the site. All recyclable materials are segregated on site to facilitate economic and safe recycling or disposal prior to being collected by licensed waste contractors. On this basis the waste management procedures in place at the quarry will not result in any significant effect on the environment.

- In relation to Pollution And Nuisances; No significant pollution or nuisances arise from the quarry.
  Noise monitoring carried out at the quarry indicates that the development complies with the DOEHLG recommended threshold limits of <55 dB(A) $_{Laeq\ 1\ hour}$ measured at the nearest noise sensitive location. Records of noise monitoring are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry. These include;
  - Use of screening berms
  - Location of mobile stone processing plant on the quarry floor
  - Minimising drop heights of material from plant and machinery
  - Regular maintenance of plant and machinery
  - Internal traffic routing and using haul roads with as low a gradient as possible

  The environmental noise results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise noise levels.

- Dust Monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) threshold limits of <350 mg/m2/day (averaged over 30 days) measured at the site boundary. Records of dust monitoring are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry. These include;
  - Screening berms are vegetated to eliminate wind blown dust
  - Use of water bowser to suppress dust on internal haul roads during dry weather
  - Location of mobile stone processing plant on the quarry floor
  - Minimising drop heights of material from plant and machinery
  - Regular maintenance of plant and machinery
  - Regular cleaning of entrance area if necessary

  The dust deposition results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise dust deposition levels.

- Blasting; Blast monitoring carried out at the quarry indicates that the development complies with the DoEHLG (2004) recommended threshold limits for groundborne vibration of 12 mm/sec (peak particle velocity), and for air overpressure of 125 dB (Lin) – 95% confidence limit, measured at the nearest noise sensitive location. Records of blasts are kept in the EMS. Best environmental management practice mitigation measures as recommended in the DoEHLG (2004) guidelines are implemented at the quarry. These include;
  - Experienced professionals are used to design and carry out blasting operations
  - Use of time delays to limit maximum instantaneous charge
  - Use of appropriate stemming

  The blast monitoring results demonstrate the effectiveness of the existing mitigation measures at the quarry to minimise the impact of blasting operations.

- Water: De Selby Quarry is operated as a 'dry' quarry. No groundwater control is required. There is no discharge of any trade effluent from the quarry to surface water. The following best environmental management practice mitigation measures as recommended in the DOEHLG (2004) guidelines are implemented at the quarry;
  - Fuel storage tank is bunded
  - Bund integrity is inspected regularly, and tested every three years
  - Fill point is located within the bunded area
  - A spill kit is provided on site, in the unlikely event of an accidental spillage
  - Oils / lubricants are stored on spill pallets
  - Septic tank

  These measures ensure that the quarry does not result in any significant effect on surface water or groundwater.

- Waste Management; As stated previously.

- Traffic / Transport; The following measures are in place to ensure that traffic does not result in any significant environmental effects;
    - specific traffic routing
    - Ensuring all trucks are not over-loaded
    - Provision of car parking on site for employees and visitors
    - Provision of truck parking on site
    - Maintenance of vehicles
    - Maintenance of internal haul roads

2. The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- In relation to the existing land use; The De Selby quarry is an existing quarry, not a proposed development. The existing land use within the site is dolerite extraction and processing. Quarry operations have been carried out on the lands since 1910's / 1920's. Roadstone took over the operation in 1955. This submission confirms that the quarry will not result in significant environmental effects.

- The relative abundance, quality and regenerative capacity of natural resources in the area; The quarry is developed in a dolerite stone resource. The quarry rock faces will recolonise and regenerate resulting in ideal nesting habitiats for bird species. Quarries are recognised as contributing significantly to the biodiversity of local areas, and the subject quarry is no exception.

- The absorption capacity of the natural environment, paying particular attention to the following areas; (a) mountain and forest areas, and (b) landscapes of historical, cultural or archaeological significance; The site is not located within any designated ecological area. The existing best practice environmental mitigation measures in place at the quarry, together with the ISO 14001 accredited EMS, ensure that the quarry operations do not result in any significant impact on mountainous and forest areas, or landscapes of historical, cultural or archaeological significance.

3. The potential significant effects of the proposed development in relation to criteria *set out under paragraphs 1 and 2 above and having regard in particular to:*

- In relation to the extent of the impact (geographical area); The best practice environmental mitigation measures implemented at the quarry ensure that the extent of any potential impacts is effectively limited to within the quarry land. Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DoEHLG (2004) guidelines.

In relation to the probability of the impact;

- Roadstone Dublin Limited implement an ISO 14001 accredited EMS at De Selby Quarry. This management system provides for ongoing environmental management and monitoring of quarry operations at the site. Environmental monitoring results indicate that the quarry is operated within the environmental threshold limit values for noise, dust deposition and blasting recommended by the DOEHLG Guidelines (2004). On this basis and considering this overall submission, it is clear that quarrying operations at the quarry will not have any significant effect on the environment.

In relation to the duration and reversibility of the impact;

- Extraction operations are in effect a temporary land-use with the lands being restored to beneficial long-term after-use on cessation of quarrying activities. Roadstone Dublin Limited proposes to restore De Selby Quarry to a natural habitat / nature conservation area that will enhance the biodiversity of the area. The company have made long-term financial provision for such restoration works. A restoration and after-use plan is currently being prepared for the quarry, and Roadstone Dublin Limited would be pleased to accept imposition of a condition in this regard.

The submission concludes that based on the responses outlined above to each of the criteria stated in Schedule 7 and considering the:

i) results of the ongoing environmental monitoring programme
ii) implementation of current best practice mitigation measures
iii) long-term nature of the existing quarrying operations on the site (since before 1st October 1964
iv) relatively small scale nature of the operation
v) location of the quarry

it is clear that the extraction operations at the De Selby quarry will not result in significant environmental effects.

DEPARTMENTAL REPORTS

Environmental Health Officer: The report states that, in relation to air and noise pollution, the submission received 6th April 2006 in relation to Roadstone Dublin Limited quarry at De Selby demonstrates compliance with the standards contained in the "Environmental Management Guidelines for the Extractive Industry (Non Scheduled Minerals)" (Draft), published by the Environmental Protection Agency. Accordingly there is no evidence to suggest that any pollution effects of the Quarry could not be mitigated. The report recommends that conditions to ensure the application of these standards should be attached to this operation.

Roads Department: The report states that the present level of traffic from the above quarry does not create traffic problems and Roads Department have no objection to its continuation at present levels i.e. 5 No lorries per hour entering and leaving the quarry.

ASSESSMENT

As noted earlier the quarry site is located in an area in relation to which it is an objective of the Council "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area" (Zoning Objective 'H').

The quarry is visible over a wide area extending from Newcastle village across to Tallaght Town Centre. It is prominent in views from public roads in the Townland of Crooksling where it is an objective of the Planning Authority to preserve views. It is considered that the quarry constitutes a visible scar on the landscape, having regard to its prominent location and scale, and to the extent of the resulting discordant disruption of the natural landform in the area.

The lands on which the subject quarry is located adjoin lands to the south in the Townland of Mountseskin which have been registered as a quarry under Register Reference SDQU05A/6, the extractable area of which is indicated to extend to the common boundary with the subject quarry lands in the Townland of Corbally on the relevant map on register reference SDQU05A/6.

It is noted that the consideration of the visual impact of the existing quarry operation in the submission by Barnett and Associates does not take account of the Development Plan objectives to protect views of the area in the vicinity of the quarry from public roads in the area.

Having regard to the characteristics of the subject quarry operation, to the environmental sensitivity of the geographical area in which the quarry is located, and to the potential significant effects of the quarry operation, it is considered that the quarry operation would be likely to have significant adverse effects on the environment, having regard to the criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000,

RECOMMENDATION

Having regard to the criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000, and having

regard to the characteristics of the subject quarry operation and in particular to the visual prominence of the quarry workings, the environmental sensitivity of the geographical area in which the quarry is located as determined by the zoning objective for the area and the designation of views and prospects to be protected in the vicinity of the site, and the potential significant effects of the quarry operation in relation to the criteria set out above including the potential cumulative impact of the quarry workings in conjunction with future quarrying on the adjoining quarry lands, it is considered that the continued operation of the quarry would be likely to have significant adverse effects on the environment.

It is therefore appropriate that, in accordance with Section 261(7)(a), the owner / operator of the quarry be required to apply for planning permission in relation to the continued operation of the quarry and to submit an Environmental Impact Statement to the planning authority, not later than 6 months from the date of the service of the notice, or such other period as may be agreed in writing with the planning authority.

It should be noted that in accordance with section 261(10)(b) any quarry in respect of which a notification under subsection (7) applies shall, unless a planning application in respect of the quarry is submitted to the planning authority within the specified period, be unauthorised development.

Robert Matthews
Senior Executive Planner

20/4.

Michael Kenny
Senior Planner

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

An Roinn Pleanala
Halla an Chontae, Lár an Bhaile
Tamhlacht, Baile Átha Cliath 24
Telefon: 01-4149000
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Planning Department
County Hall, Town Centre
Tallaght, Dublin 24
Telephone: 01-4149000
Fax: 01-4149104

website: www.southdublin.ie

Messrs Roadstone Dublin Limited,
Fortunestown,
Tallaght,
Dublin 24.

21st April, 2006

Re: Section 261(7) of the Planning & Development Act 2000
De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, County Dublin –
Register Reference Number: SDQU05A/3 **Registration Date:** 22 April 2005.

Dear Sirs,

Section 261(7) of the Planning & Development Act 2000 provides that where the continued operation of a quarry, the extracted area of which is greater than 5 hectares and that commenced operation before 1st October 1964, would be likely to have significant effects on the environment, having regard to any selection criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000, a planning authority shall not impose conditions on the operation of the quarry under Section 261(6) but shall, not later than one year after the date of the registration of the quarry, require, by notice in writing, the owner or operator of the quarry to apply for planning permission and to submit an environmental impact statement to the planning authority not later than 6 months from the date of the service of the notice, or such other period as may be agreed in writing with the planning authority.

Having considered the information provided in the registration application submitted, including the additional information received on 28th September 2005, the submission received 15th November 2005 in response to the Public Notice of 19th October 2005, and the submission received from John Barnett & Associates on 6th April 2006 submitted by way of response to the Council's letter to you dated 21st February 2006, and having regard in particular to the selection criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) as set out in Appendix A herewith, and to the policies and objectives included in the South Dublin County Development Plan 2004-2010 as set out in Appendix B herewith, the Planning Authority is satisfied that the extracted area of the subject quarry exceeds 5 hectares, and that the subject quarry commenced operation before 1st October 1964, and considers that the continued operation of the quarry would be likely to have significant effects on the environment, for the reasons set out below.

The site is located on elevated lands at Tallaght Hill. The existing quarry is an extensive excavated area situated on the north-facing slope of Tallaght Hill. The quarry is located in an area in relation to which it is an objective of the Council "To Protect and Enhance the Outstanding Natural Character of the Dublin Mountain Area" (Zoning Objective 'H') as designated in the South Dublin County Development Plan 2004-2010.

Tallaght Hill is included in the South Dublin County Development Plan 2004-2010 as a prospect to be preserved. It is an objective of the Council to preserve this prospect as seen from viewing points at Blessington Road (Killinarden area), Naas Road, and Garter Lane Saggart.

The lands on which the subject quarry is located adjoin lands to the south in the Townland of Mountseskin which have been registered as a quarry under Register Reference SDQU05A/6, the extractable area of which is indicated to extend to the common boundary with the subject quarry lands in the Townland of Corbally on the relevant map on register reference SDQU05A/6.

Having regard to the criteria prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000, and having regard to the characteristics of the subject quarry operation and in particular to the visual prominence of the quarry workings, the environmental sensitivity of the geographical area in which the quarry is located as determined by the zoning objective for the area and the designation of views and prospects in the vicinity of the site to be protected, and the potential significant effects of the quarry operation in relation to the criteria set out above including the potential cumulative impact of the quarry workings in conjunction with future quarrying on the adjoining quarry lands, it is considered that the continued operation of the quarry would be likely to have significant adverse effects on the environment.

In accordance with Section 261(7)(a) of the Planning & Development Act 2000 South Dublin County Council as the Planning Authority for the area is therefore serving a notice requiring Roadstone Dublin Limited to apply for planning permission and to submit an Environmental Impact Statement in respect of the continued operation of the registered quarry situated in the Townlands of Corbally and Lugmore, Saggart, County Dublin, not later than 20th October, 2006, or such other period as may be agreed in writing with the Planning Authority.

In accordance with section 261(10)(b) any quarry in respect of which a notification under subsection 261(7)(a) applies shall, unless a planning application in respect of the quarry is submitted to the planning authority within the specified period, be unauthorised development.

Yours faithfully,

P. McNamara
Administrative Officer

Appendix A

Selected Criteria Prescribed by the Minister for the Environment, Heritage and Local Government under Section 176(2)(e) of the Planning & Development Act 2000

The selection criteria prescribed by the Minister under Section 176(2)(e) of the Planning & Development Act 2000 for determining whether a development would or would not be likely to have significant effects on the environment are set out in Schedule 7 of the Planning & Development Regulations 2001 (S.I. No. 600). The following criteria included in the prescribed selection criteria are considered most relevant to the determination as to whether the operation of the subject quarry would be likely to have significant effects on the environment:-

1. *The characteristics of the proposed development,* in particular:
- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,

2. *The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:*
- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to mountain and forest areas, and landscapes of cultural significance.

3. *The potential significant effects of the proposed development in relation to* criteria *set out under paragraphs 1 and 2 above and having regard in particular to:*
- the extent of the impact (geographical area),
- the probability of the impact,
- the duration and reversibility of the impact.

Appendix B

Selected Extracts from the South Dublin County Development Plan 2004-2010

Development Plan Policies

9.3.1 Policy LHA 1: Preservation of Landscape Character

9.3.1.i

It is the policy of the Council to protect the character of the landscape in the County in accordance with the policies and objectives of the Development Plan and with the "Draft Guidelines for Landscape and Landscape Assessment, 2000" as issued by the Department of the Environment and Local Government or any finalised Guidelines issued by the Department.

9.3.2 Policy LHA 2: Views and Prospects

9.3.2.i

It is the policy of the Council to protect views and prospects of special amenity value or special interest.

9.3.2.ii

The County contains many scenic areas and vantage points from which views of great natural beauty may be obtained, over adjoining counties and the rural landscape in general. In addition to scenic views, the County also contains important "prospects" i.e. prominent landscapes or areas of special amenity value or special interest, which are visible from the surrounding area. Views and prospects for protection have been identified in the Plan. Views and prospects are shown on the Development Plan Maps and prospects are listed in Chapter 13 - Specific Objectives.

Table 13.9 Prospects for which it is an Objective to Protect

Viewing Points	Prospects
Blessington Road (Killinarden area)	Knockannavea, Tallaght Hill
Naas Road	Tallaght Hill
Garter Lane(Saggart)	Knockannavea, Tallaght Hill

9.5.1 Policy LHA 15: Dublin Mountain and High Amenity Zones

9.5.1.i

It is the policy of the Council to conserve the character of the Dublin Mountain and High Amenity Zones.

9.5.1.ii

In the implementation of this policy it is the intention of the Council to designate and conserve areas of outstanding natural beauty and/or recreational value. Such areas include the Dublin Mountains and the Liffey and Dodder Valleys, and are covered by the zoning objectives 'G' - "To protect and improve High Amenity Areas" and 'H' - " To protect and enhance the outstanding natural character of the Dublin Mountain Area".

9.5.1.iii

These areas play a crucial role in recreation and amenity terms, in addition to serving as valuable wildlife habitats.

9.5.3 Policy LHA 17: Preservation of Major Natural Amenities

9.5.3.i

It is the policy of the Council to preserve the major natural amenities of the County (i.e. Dublin Mountains and River Valleys) and to provide parks and open spaces in association with them.

9.5.4 Policy LHA 18: National Park

9.5.4.i

It is the policy of the Council to facilitate and assist in the establishment of a National Park in the Dublin/Wicklow Mountains.

2.3.17 Policy EE17: Extractive Industry

2.3.17.i

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

2.3.17.ii

The Council recognises the importance of the extractive industry in providing the aggregates and building materials required for all forms of construction, and will facilitate its operation in suitable locations, having taken into account the continued reduction in demand with the increased re-cycling of construction and demolition waste. However such industry can have severely damaging environmental effects and permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and ground water will be safeguarded. In addition all development proposals must make appropriate provision for the reinstatement of the landscape. Details of proposed reinstatement should accompany planning applications for extractive developments.

2.3.17.iii

The Council will seek to ensure that significant aggregate resources in the County are appropriately protected and in this regard will restrict the siting of incompatible developments that would interfere with the efficient development of such resources.

2.3.17.iv

It is an objective to carry out a comprehensive study of aggregate resources in the County with a view to the preparation of a strategy for their sustainable exploitation, having regard to relevant legislation and guidelines, and to the views of all interested parties.

Development Control Objectives

12.3.4 Extractive Industry

12.3.4.i

In dealing with applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network and its effect on the environment.

12.3.4.ii

It will be a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape.

12.3.4.iii

The Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, April 2004 published by the Department of the Environment, Heritage and Local Government, or as may be amended from time to time. Any restriction arising as a consequence of the application by the Council of the Guidelines shall not be prejudicial to the provision of rural housing to qualifying applicants nor to any activity permitted under the zoning objective.

12.12.7 Upland Mountain Areas/High Amenity Areas

12.12.7.i

Within that part of the Dublin Mountains area, which is generally above the 350 metre contour, the Council shall, in the control of development, seek to retain the open natural character of mountain heaths and mountain blanket bogs. In order to preserve the unique character of the Dublin Mountain zone new buildings should be low-rise, generally single-storey structures.

Sensitivity in the siting and design of new developments in general will be required in both the High Amenity and Dublin Mountain zones

12.12.7.ii

No advertisement or advertisement structure will normally be permitted in upland areas above the 350m contour. The control of development shall also be exercised with the objective of enhancing the outdoor recreational potential of the area while protecting and sustaining the environmental capacity of the upland landscape.

12.12.7.iii

Within zoned High Amenity Areas or Mountain areas, any new development not related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming will not be permitted.

12.12.7.iv

It is an objective of the Council to limit the development of residential, commercial or industrial clusters to areas below the 120 metre contour in the Dublin Mountains area, (except where A1 zones are shown in this Plan above the 120 metre contour and also where specific objectives so permit in this Plan), in the interest of pursuing the policy of sustainability in both high amenity and rural areas.

Table No. 10.13 Zoning Objective 'H'

"TO PROTECT AND ENHANCE THE OUTSTANDING NATURAL CHARACTER OF THE DUBLIN MOUNTAIN AREA"

USE CLASSES RELATED TO ZONING OBJECTIVE

PERMITTED IN PRINCIPLE Open Space

OPEN FOR CONSIDERATION

Aerodrome/Airfield [d], Agricultural buildings, Bed & Breakfast [a d], Boarding Kennels [d], Carpark [d], Caravan Park-Holiday [d], Cemetery[d], Church [d], Community Centre [d], Concrete/Asphalt (etc.) Plant in or adjacent to a Quarry [d], Crèche/Nursery School[a], Cultural Use, Doctor/Dentist [a d], Education, Garden Centre[d], Guest House [a d], Halting Site/Group Housing [d], Health Centre [a], Home Based Economic Activities [a d], Hospital [a d], Hotel [a d], Motel [a d], Industry-Extractive [d], Nursing Home [a d], Public Services, Recreational Facility/ Sports Club [d], Refuse Landfill/Tip [d], Residential [c d], Residential Institution [a d], Restaurant [a d], Rural Industry-Cottage [d], Rural Industry-Food [a d], Shop-Local [a d], Veterinary Surgery [a d].

NOT PERMITTED

Abattoir, Advertisements and Advertising Structures, Betting Office, Caravan Park-Residential, Cash & Carry / Wholesale Outlet, Crèche / Nursery School, Dance Hall / Discotheque, Enterprise Centre, Funeral Home, Health Centre, Heavy Vehicle Park, Household Fuel Depot, Industry-General, Industry-light, Industry-Special, Motor Sales Outlet, Office-Based Industry, Offices less than 100 sq. m, Offices 100 sq. m - 1,000 sq. m, Offices over 1,000 sq. m, Petrol Station, Public House, Recreational Buildings (Commercial), Refuse Transfer Station, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Service Garage, Shop-Discount Food Store, Shop-Neighbourhood, Shops-Major Sales Outlet, Transport Depot, Warehousing.

a In existing premises.
c In accordance with Council Policy for Development in Rural Areas.
d Not permitted above 350m contour

P/059/06

COMHAIRLE CHONTAE ATHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL

Record of Executive Business and Manager's Orders

Section 261(7) of the Planning & Development Act, 2000

De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin

Ref No. SDQ05A/3

Correspondence has been received from Roadstone Dublin Limited dated 3rd July 2006 and 22nd September 2006 requesting the agreement of the Planning Authority to an extension of the time period for the submission of a planning application and environmental impact statement in respect of the above quarry as required under Managers Order Ref. P/018/06 dated 20th April 2006 for a period of 12 months.

The reason stated in the request for a time extension is as follows:-
In order to have an adequate time period to complete scoping and baseline environmental studies for the EIS. This extension request is particularly relevant to baseline studies for topics such as Water, Air Quality and Landscape where a longer period of time is required to capture seasonal variations.

It is considered that an extension of the time period for a period of 6 months from the 20th October 2006 is adequate to enable the relevant studies to be carried out.

I recommend that the period for the submission of the planning application and environmental impact statement be extended up to and including 20th April 2007.

Date: 13/10/06.

SENIOR PLANNER

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an environmental impact statement to the Planning Authority not later than 20th April 2007 in respect of the continued operation of the aforementioned quarry, is hereby authorised.

Date: 16/10/06

DIRECTOR OF PLANNING

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Orders

Section 261(7) of the Planning & Development Act, 2000

P/021/07

De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin
Register Reference SDQU05A/3

Correspondence has been received from Tobin Consulting Engineers on behalf of Roadstone Dublin Limited dated 30th March 2007 requesting the agreement of the Planning Authority to a further extension of the time period for the submission of a planning application and Environmental Impact Statement (EIS) in respect of the above quarry as required under Managers Order Ref. *P/059/06*, for a further period up to 15th June 2007.

The reason stated in the request for a further extension of the time period is that issues have recently arisen with regard to landownership which have implications for the design of the quarry and the development of an appropriate restoration plan. These have caused some delay in the preparation of sections of the application and EIS. It is envisaged by the consultants acting on behalf of Roadstone Dublin Limited that the application and EIS can be submitted by 15th June 2007.

It is considered that a further extension of the time period up to 15th June 2007 is reasonable under the stated circumstances.

I recommend that the period for the submission of the planning application and Environmental Impact Statement be further extended up to and including 15th June 2007.

Date: 17th April 2007

Michael Kenny
SENIOR PLANNER

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later than 15th June 2007 in respect of the continued operation of the aforementioned quarry, is hereby authorised.

Date: 17th April 2007

Tom Doherty
DIRECTOR OF PLANNING

Messrs Roadstone Dublin Limited,
Fortunestown,
Tallaght,
Dublin 24.

16th October 2006.

FAO Mr. Shane Geraghty

Re Section 261 Planning and Development Act 2000
De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin
Register Reference No. SDQU05A/3

Dear Mr. Geraghty,

I refer to your letter dated 22nd September 2006 in regard to your request for an extension of the time period for submission of a planning application and environmental impact statement in respect of the above quarry.

I confirm that the Planning Authority has agreed to extend the time period for submission of a planning application and environmental impact statement in respect of the above quarry to **20th April 2007**. It is considered that this extension of time would be adequate to enable the relevant studies to be carried out.

Your sincerely,

P. McNamara,
Administrative Officer
Planning Department.

SCANNED

Patrick J. Tobin & Co. Limited,
Block 10-3,
Blanchardstown Corporate Park,
Dublin 15

FAO Mr. David Rees

17 April, 2007

Re Planning and Development Act 2000 - Section 261
De Selby Quarry, Townlands of Corbally and Lugmore, Saggart.
Register Reference No. SDQU05A/3

Dear Mr. Rees,

I refer to your letter dated 30 March 2007 requesting a further extension of the time period for submission of a planning application and environmental impact statement in respect of the above quarry.

I confirm that the Planning Authority has agreed to extend the time period for submission of a planning application and environmental impact statement in respect of the above quarry up to and including 15th June 2007.

Your sincerely,

P. McNamara,
Administrative Officer.

IN THE MATTER OF THE PLANNING AND DEVELOPMENT ACT, 2000

NOTICE PURSUANT TO SECTION 261(7) OF
THE PLANNING AND DEVELOPMENT ACT, 2000

TAKE NOTICE that for the purpose of the exercise of its functions under the Planning and Development Act, 2000, South Dublin County Council as the Planning Authority for the area hereby requires you, being the registered owner of lands at and known as De Selby Quarry, situated in the Townlands of Corbally and Lugmore, Saggart, in the County of South Dublin and registered as a quarry in accordance with Section 261(1) of the Planning and Development Act 2000 under Register Reference Number SDQU05A/3, not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority to apply for planning permission and submit an Environmental Impact Statement in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart, in the County of South Dublin.

AND FURTHER TAKE NOTICE that if you fail to apply for planning permission and submit an Environmental Impact Statement in respect of the continued operation of the De Selby Quarry at Corbally and Lugmore, Saggart, in the County of South Dublin not later that 20th October 2006 or such other period as may be agreed in writing with the Planning Authority the quarry shall be unauthorised development.

Dated the 21st day of April 2006.

Signed: Paddy Mc Namara.

South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24.

To: Roadstone Dublin Limited,
Fortunestown,
Tallaght,
Dublin 24.

roadstone

Roadstone Dublin Ltd.

Fortunestown
Tallaght
Dublin 24

Tel: (+353 1) 404 1200
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web: www.roadstone.ie
email: info@roadstone.ie

PLANNING DEPARTMENT
05 JUL 2006

3rd July 2006

Mr Paddy McNamara
Administrative Officer
Planning Department
South Dublin County Council
County Hall
Tallaght
Dublin 24

Re: Planning & Development Act, 2000 – Section 261
De Selby Quarry, Townlands of Corbally & Lugmore, Saggart, Co. Dublin
Register Reference Number: SDQU05A/3

Dear Mr McNamara,

We refer to your notice, dated 21st April 2006, which requires us to apply for planning permission and submit an Environmental Impact Statement in respect of the continued operation of De Selby Quarry not later than 20th October 2006 or such other period as may be agreed in writing with the Planning Authority.

We hereby seek an extension of 12 months to the initial six-month period provided to us by the Planning Authority, and propose to submit our planning application on or about the 20th October 2007.

Please advise if this extension is acceptable to the Planning Authority.

Yours faithfully,

Shane Geraghty
ROADSTONE DUBLIN LIMITED

TOBIN
Patrick J. Tobin & Co. Ltd.

Consulting Engineers

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Co. Mayo, Ireland.
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Dundalk,
Co. Louth, Ireland.
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Fax: +353 (0)42 9331715

DUBLIN COUNTY
Planning Dept.
PUBLIC COUNTER
RECEIVED

F.S.
B.M.

Tom Doherty
Director of Planning,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24,

30th March, 2007

Re: Planning Application and Environmental Impact Statement (EIS) for continuation of quarrying activities at De Selby Quarry

Dear Mr Doherty,

I refer to a telephone conversation that I held with Mr Bob Matthews this morning.

We are preparing the Planning Application and Environmental Impact Statement for the above registered quarry on behalf of our clients, Roadstone Dublin Ltd. The deadline for submission for this application is April 20th, 2007.

To date, we have largely completed the baseline reports. You will be aware that issues have recently arisen with regard to land ownership and our client's right to include some areas within this application. This issue aiso has implications for the design of the quarry and the development of an appropriate restoration plan.

This has caused some delay in the preparation of sections of the application and EIS and we therefore, request that the deadline for submission be extended. It is envisaged that we can submit the EIS and Planning Application on the 15th of June 2007, which includes for a two-month extension.

Directors: D.A. Downes (Chairman) L.E. Waldron (Managing Director) M.F. Garrick R.F. Tobin
J. Colleran B.J. Downes S. Finlay P.J. Fogarty D. Grehan J.P. Kelly B.M. Mulligan
B. Murray C. O'Keeffe F. Renkema E.J. Harrigan (Company Secretary)

Associates: T. Cannon P. Cloonan T. Curran O. Downes B. Gaffney B. Gallagher B. Heaney
B. Hutchinson D. Kennedy J. McCrea C. McGovern E. McPartlin

Consequently, we respectfully request South Dublin County Council to grant the required extension of time for the proper preparation of the Environmental Impact Statement (EIS) and the Planning Application. We would appreciate your prompt response to this request.

Yours sincerely,

David Rees
Project Manager

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Manager's Orders

Section 261(7) of the Planning & Development Act, 2000

P/021/07

De Selby Quarry, Townlands of Corbally and Lugmore, Saggart, Co. Dublin
Register Reference SDQU05A/3

Correspondence has been received from Tobin Consulting Engineers on behalf of Roadstone Dublin Limited dated 30th March 2007 requesting the agreement of the Planning Authority to a further extension of the time period for the submission of a planning application and Environmental Impact Statement (EIS) in respect of the above quarry as required under Managers Order Ref. *P/059/06*, for a further period up to 15th June 2007.

The reason stated in the request for a further extension of the time period is that issues have recently arisen with regard to landownership which have implications for the design of the quarry and the development of an appropriate restoration plan. These have caused some delay in the preparation of sections of the application and EIS. It is envisaged by the consultants acting on behalf of Roadstone Dublin Limited that the application and EIS can be submitted by 15th June 2007.

It is considered that a further extension of the time period up to 15th June 2007 is reasonable under the stated circumstances.

I recommend that the period for the submission of the planning application and Environmental Impact Statement be further extended up to and including 15th June 2007.

Date: 17th April 2007

Michael Kenny
SENIOR PLANNER

ORDER: The service of a Notice under Section 261(7) of the Planning & Development Act, 2000 on Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24, requiring the company to apply for planning permission and to submit an Environmental Impact Statement to the Planning Authority not later than 15th June 2007 in respect of the continued operation of the aforementioned quarry, is hereby authorised.

Date: 17th April 2007

Tom Doherty
DIRECTOR OF PLANNING

SCANNED

Patrick J. Tobin & Co. Limited,
Block 10-3,
Blanchardstown Corporate Park,
Dublin 15

FAO Mr. David Rees

17 April, 2007

Re Planning and Development Act 2000 - Section 261
De Selby Quarry, Townlands of Corbally and Lugmore, Saggart.
Register Reference No. SDQU05A/3

Dear Mr. Rees,

I refer to your letter dated 30 March 2007 requesting a further extension of the time period for submission of a planning application and environmental impact statement in respect of the above quarry.

I confirm that the Planning Authority has agreed to extend the time period for submission of a planning application and environmental impact statement in respect of the above quarry up to and including 15th June 2007.

Your sincerely,

P. McNamara,
Administrative Officer.

Bob Matthews

From: Bob Matthews
Sent: 28 February 2007 14:51
To: 'Bryan Joyce'
Cc: Michael Kenny; Martin Judge
Subject: RE: [Possible Spam] SDQU05A/3 - Quarry Registration

Dear Mr Joyce

I refer to your request for information regarding the current status of De Selby quarry.

An application to register De Selby Quarry quarry under Section 261 of the Planning & Development Act 2000 was submitted to South Dublin County Council by Roadstone Dublin Limited on 22 April 2005.

A statutory notice dated 21 April 2006 was served under Section 261(7) requiring Roadstone Dublin Limited to submit a planning application and an environmental impact statement by 20 October 2006. Following receipt of a request from Roadstone Dublin Limited an extension of time for submission of the planning application / EIS was granted up to 20 April 2007.

A planning application in respect of this quarry has not been received to date.

Yours sincerely

Bob Matthews
Senior Executive Planner
Planning Department
South Dublin County Council

From: Bryan Joyce [mailto:joyce.bryan@gmail.com]
Sent: 23 February 2007 12:04
To: Bob Matthews
Subject: [Possible Spam] SDQU05A/3 - Quarry Registration

With reference to the above Application to SDCC could you please confirm the current status of this application to date.

Regards

Bryan Joyce

ADDENDUM

Note re appropriate assessment in relation to the feeding grounds for Greylag Geese at Mountseskin and Gortlum, Brittas, Co. Dublin.

The planning permission granted by An Bord Pleanala for the proposed continuation of quarrying at De Selby quarry in June 2009 was based on an environmental impact statement carried out in June 2007. In accordance with Regulation 27 of the European Communities (Natural Habitats) Regulations 1997[1] an environmental impact assessment is deemed to be an appropriate assessment for the purpose of the planning consent.

A report[2] published in December 2008 identified an area in the townlands of Mountseskin and Gortlum, Brittas, (located c. 2.5 kilometres to the south of the quarry site) as feeding grounds for the Icelandic-breeding population of Greylag Geese which overwinter at the Poulaphouca reservoir SPA in Co. Wickow. The report noted that the numbers of Greylag geese using this SPA have declined considerably from a peak at Poulaphouca reservoir of 950 in 2000/01 to a peak winter count in January 2008 of 144 birds. A peak count of 157 birds was recorded at Mountseskin in March 2008.

The site at Mountseskin was not identified as a site of conservation interest for birds in the EIS submitted in June 2007 carried out in relation to the planning application under register reference number SD07A/0409.

The draft section 261A examination of the Kilsaran quarry at Aghfarrell and Ballinascorney Upper, Brittas, has concluded that quarrying operations on the site involving rock blasting, in cumulation with blasting at the Shillelagh and De Selby quarries, which are also located in the vicinity of the feeding area, may have the potential to create disturbance of the Greylag goose protected bird species in the feeding area at Mountseskin and Gortlum, Brittas. The draft report recommends that a determination be made under section 261A that the Kilsaran quarry be the subject of an application for substitute consent. This is based in part on the determination that screening for appropriate assessment is justified in relation to potential adverse impact on the Greylag Goose population due to disturbance by blasting, and that such screening was not carried out in respect to an unauthorised extension to the quarry carried out after 26 February 1997.

In light of the identification of the Greylag goose feeding area at Mountseskin /Gortlum as a site of conservation interest, any remedial EIA or AA to be submitted with an application for substitute consent in relation to the Kilsaran quarry must assess the impact of quarrying operations on this site of conservation interest for birds, and propose appropriate mitigation measures as appropriate. However, it is evident that the assessment and mitigation of impacts must take due account of the cumulation of the impact of quarrying at Kilsaran together with the impact of quarrying at the two other quarries in the vicinity of the feeding area.

A decision of the European Court of Justice in Case C-418/04 delivered on 13 December 2007, determined that Ireland had failed to comply with certain obligations laid down in Directive 79/409/EEC (Birds Directive) and Directive 92/43/EEC (Habitats Directive). Specifically Ireland has failed to fulfil its obligations under Articles 4(1), (2) and (4), and 10 of Directive 79/409, as amended by Directive 97/49, and Article 6(2) to (4) of Directive 92/43.

The ruling indicates that Ireland must take all reasonable targeted measures in striving to prevent deterioration of areas important to birds. It also requires a more robust and thorough application by all consent authorities, including planning authorities, of the requirement to do an appropriate assessment of the ecological implications of any plan or project, whether within or outside a designated site, which does not directly relate to the management of the site but may impact upon its conservation objectives.[3]

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1 European Communities (Natural Habitats) Regulations, 1997 S.I. No. 94/1997

2 An assessment of the distribution range of Greylag (Icelandic-breeding & feral populations) in Ireland Helen Boland & Olivia Crowe - Final report to the National Parks and Wildlife Service and the Northern Ireland Environment Agency, December 2008

3 Circular Letter SEA 1/08 & NPWS 1/08 Department of Environment, Heritage and Local Government 15 February, 2008

Guidance in relation to appropriate assessment under the Habitats Directive published by the Department of Environment, Heritage and Local Government in March 2010[4] advises that

> "A key protection mechanism, and the subject of this guidance, is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network before any decision is made to allow that plan or project to proceed. Not only is every new plan or project captured by this requirement but each plan or project, when being considered for approval at any stage, must take into consideration the possible effects it may have in combination with other plans and projects when going through the process known as appropriate assessment (abbreviated in this document to AA). The concept of plan and project is extremely broad and is not limited to development planning and development management, covered by the Planning and Development Acts 2000-2006, and given specific attention in this document."

The European Communities (Birds and Natural Habitats) Regulations 2011[5] which came into operation on 21 September 2011, revoked The European Communities (Natural Habitats) Regulations 1997 and all amendments of those Regulations. The new regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats)(Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in the CJEU judgements.

The Regulations have been prepared to address several judgments of the Court of Justice of the European Union (CJEU) against Ireland, notably cases C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law.

In light of the ECJ decision in Case C-418/04, a question arises regarding whether any issue exists in relation to the consent given under SD07A/0409 for continuation of quarrying at De Selby in light of the failure in the EIA process to identify the site of conservation interest for birds at Mountseskin, and to assess and mitigate any significant adverse impact of blasting or other quarrying operations on the protected birds species, as appropriate.

In this regard it is noted that the EIS relating to SD07A/0409 was carried out, and the consent was given by An Bord Pleanala, prior to the commencement of the European Communities (Birds and Natural Habitats) Regulations 2011.

It appears to be reasonable to contend that the EIS carried out, and the EIA made, in relation to SD07A/0409 fulfilled the requirements under the national legislation in force at the time, notwithstanding that that legislation has since been found to be defective in the ECJ judgement in relation to Case C-418/04.

Furthermore, it appears to be reasonable to contend that knowledge of the site of conservation interest at Mountseskin / Gortlum was not available when the EIS and EIA were carried out and made. In this regard it is noted that the first awareness of the site on the part of the planning authority occurred during the preparation of the SEA on the Development Plan Review in 2009 following publication of the report by Boland and Crowe in December 2008.

Notwithstanding the above comments, it could also be contended that the existence of the feeding area at Gortlum and Mountseskin could have been identified as a site of conservation interest for the purposes of the EIA. This would have required that the persons preparing the relevant section of the environmental impact statement would not have relied solely on consulting the NPWS database and only investigating the flora and fauna occurring within the redline boundary of the planning application site.

It appears reasonable to infer that, had the relevant wildlife personnel in the area been consulted or had enquiries been made in the local area at Brittas, where residents would have been aware of the seasonal

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[4] Circular Letter NPW 1/10 & PSSP 2/10 Department of Environment, Heritage and Local Government 11 March 2010

[5] S.I. No. 477 of 2011 European Communities (Birds And Natural Habitats) Regulations 2011

presence of large flocks of Greylag geese in the area, this information would have been available and its significance for the purposes of the EIS would have been recognised and taken into account in the EIA.

In light of the foregoing it appears that the failure to identify and assess the potentially significant adverse impact of the quarrying operations on the protected bird species is a serious deficiency in the EIA. It could therefore be reasonably contended that the EIA has not complied with the requirement under the relevant European directives "to do an appropriate assessment of the ecological implications of any plan or project, whether within or outside a designated site, which does not directly relate to the management of the site but may impact upon its conservation objectives".

In this regard it may be worth noting that the recorded decline in the number of Greylag geese at both the Poulaphouca reservoir roosting area and the feeding area at Gortlum and Mountseskin, Brittas, appears to be contemporaneous with a period of intensive activity at the three quarries located in the vicinity of the feeding area. Any examination of the effects, if any, of the quarrying operations on the protected species would need to include an investigation of a possible relationship in this regard.

It is noted that Regulation 28 of the European Communities (Birds And Natural Habitats) Regulations 2011(see below) may be relevant in this regard, having regard to the failure of the quarry operator to comply with conditions of the permission granted under register reference SD07A/0409.

S I No 477 of 2011

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EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS 2011

Ministerial Directions in respect of activities requiring consent
28. (1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—
(a) have a significant effect on a European Site,
(b) have an adverse effect on the integrity of a European Site, or
(c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive,
the Minister shall, where he or she considers appropriate, direct that, subject to paragraph (2), the activity shall not be carried out, caused or permitted to be carried out or continued to be carried out by any person in the European Site or part thereof or at any other specified land except with, and in accordance with, consent given by the Minister under Regulation 30.
(2) A Direction under paragraph (1) shall not apply—
(a) where the proposed activity in relation to which the Direction applies is one that requires consent or consents under one or more of the enactments set out in the Second Schedule of these Regulations or under the Planning and Development Acts 2000 to 2011 and the activity is carried out with and in compliance with such consent or consents,
(b) where the proposed activity is part of a project that has received consent under one or more of the enactments set out in the Second Schedule of these Regulations or under the Planning and Development Acts 2000 to 2011 and the project or activity is carried out with and in compliance with a consent or consents given under the applicable statutes, or
(c) where the proposed activity is part of a project that has received consent under one or more Regulations made under the Act of 1972 or under one or more Regulations made under any of the enactments set out in the Second Schedule of these Regulations and the project

or activity is carried out with and in compliance with such consent.