

# Ballinascorney Quarry Ballinascorney, 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.**

## **S. 261A Review of Quarries**

### **Ballinascorney Quarry**

**Quarry Location:** Ballinascorney Upper, Bohernabreena, Co. Dublin.

**Owners** Aidan Bagnell, 34 Maynooth Park, Maynooth, Co Kildare  
Roadstone Wood Limited, Fortunestown, Tallaght,  
Dublin 24 (Leasehold Interest).



County Hall,  
Tallaght,  
Dublin 24.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## Contents

### *Introduction and Background*

*Introduction*

*General Overview*

*Relevant Planning History*

*Planning Enforcement History*

*Environmental Health Officer Comments*

*Section 261 Registration of the Quarry*

*Section 261A Submissions*

*Section 261A Determinations / Decisions*

*Guidelines for Planning Authorities (Jan. 2012)*

*Definition of 'quarry'*

*Information Sources*

*Decision regarding whether the quarry is authorised*

*Determination as to whether an environmental impact assessment was required but was not carried out*

*Determination as to whether an appropriate assessment was required but was not carried out*

*Determination as to whether the development commenced after 3 July 2008*

*Decision regarding whether the registration requirements of section 261 were complied with*

*Summary Conclusions and Recommendations*

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

## **Appendices**

- Appendix 1*** Site location map; S. 261 site layout plan; and map illustrating 350 m contour line on quarry lands
- Appendix 2*** Relevant extracts from County Development Plan 2010-2016
- Appendix 3*** Map illustrating sites of nature conservation interest
- Appendix 4*** Oblique aerial photography 2005
- Appendix 5*** Planning history documents
- Appendix 6*** S. 261A Public Notice
- Appendix 7*** Aerial photography 1971-2009
- Appendix 8*** OS Dublin Sheet 24-8 surveyed 1837 revised 1969; and extract from Site Layout drawing Reg. Ref. G.1292
- Appendix 9*** Evidence of Leasehold Interest
- Appendix 10*** *S. 261 Manager's order and registration application documents*

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**INTRODUCTION AND BACKGROUND**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## **Section 261A Review of Quarries**

### **Ballinascorney Quarry**

#### **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) pursuant to 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 unregistered quarry previously operated by Irish Aggregates Limited on lands at Ballinascorney Upper, Bohernabreena, County Dublin.

## Section 261A Review of Quarries

### Ballinascorney Quarry

#### **General Overview** [see Appendices 1-4]

The unregistered quarry at Ballinascorney is located in the townland of Ballinascorney Upper, on the north facing slopes of Sliabh na mBanog (384m) which is one of a number of hills forming the northern edge of the Dublin Mountains. The quarry lands that comprise c. 48 hectares are registered on Folio 134775F to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare. In addition Roadstone Wood Dublin Limited have a leasehold interest. The southern portion of the lands lies above the 350 metre contour line. Information submitted in relation to the application to register the quarry under S. 261 states that quarry operations were suspended c. 1979.

*[Appendix 1 Site location map; S261 Site layout Plan; and map illustrating 350 m contour line on quarry lands. See also Appendix 9-Evidence of leasehold Interest]*

The existing dolerite and slate quarry excavation located on the north western portion of the quarry lands is enclosed on the East, South and West sides by vertical faces and comprises c. 5.22 hectares. The quarry workings at this location are visible from the adjoining road at the quarry entrance and from the R114 to the west of its junction with the L7462. There are no existing requirements in place under the planning code to ensure the effective reinstatement and landscaping of this quarry site. Lands in the vicinity of the quarry are used for sheep and cattle grazing, and there are a number of farms and single houses in the vicinity of the quarry lands. There is a golf course located to the north east of the quarry lands.

There is a smaller disused quarry located to the west of the subject quarry which is accessed from the L7462, and which has also been out of use for a considerable period of time and is unregistered.

The quarry lands are located within an area zoned 'H' in the County Development Plan 2010-2016 (CDP 2010), in relation to which it is an objective of the Development Plan "to protect and enhance the outstanding natural character of the Dublin Mountain area". Extractive industry is 'open for consideration' in the 'H' zone, but is not permitted above the 350m contour line.

Sliabh na mBanog occupies a prominent position at the northern extremity of the line of hills enclosing Glenasmole valley on its western side. It is identified in the County Development Plan 2010-2016 as one of a number of 'Prospects' i.e. prominent landscapes or areas of special amenity value or interest, which are visible from surrounding areas. Views of Sliabh na mBanog, from a number of specified locations within the urban area and within Glenasmole valley, have been designated for protection (Table 4.3.1 CDP 2010). It is the policy of the Council (Policy LHA2 CDP 2010) to protect views and prospects of special amenity value or special interest. In addition, it is an objective of the Council to protect and preserve significant views towards the quarry lands from public roads in the vicinity at Ballinascorney Gap to the north and at Allagour to the east, as indicated on the relevant development plan maps.

## **Section 261A Review of Quarries**

### **Ballinascorney Quarry**

There are two recorded monuments located on the quarry lands, a Ring Barrow (ref. DU024-044) and a Tumulus (ref. DU024-067), which are included in the Record of Monuments and Places, as detailed in Schedule 1 to the South Dublin County Development Plan 2010-2016. It is the policy of the Council to secure the preservation (i.e. preservation in-situ or, as a minimum, preservation by record) of all sites and features of historical and archaeological interest (Policy AA 2 CDP 2010).

The quarry lands are accessed directly from the R114 at the top of a steeply inclined section of the road on the southern side of a narrow valley known as Ballinascorney Gap. The quarry entrance is situated close to a sharp bend in the road where visibility is restricted to traffic.

A tributary stream of the Dodder river flows in an easterly direction through the valley. The northern portion of the subject quarry lands lies within the Bohernabreena Reservoir catchment area, as illustrated on the relevant Development Plan map. It is the policy of the Council (Policy WD 9 CDP 2010) to protect the Bohernabreena Reservoirs and catchment area, cSAC and buffer zone, in the interest of public health and to restrict development in the catchment.

*[Appendix 2 Relevant extracts from County Development Plan 2010-2016]*

There are proposed Natural Heritage Areas located within c. 4 kilometres to the west (Slade of Saggart) c. 3 kilometres to the north (Lugmore Glen), and c. 1 kilometre to the northeast (Dodder Valley), of the subject quarry lands. Lands at Mountseskin and Gortlum located c. 3.5 kilometres to the west 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 c. 1.5 kilometres to the southeast of the quarry.

*[Appendix 3 Map illustrating sites of nature conservation interest]*

An aerial view of the quarry is provided in the aerial photography flown in August 2005.

*[Appendix 4 Oblique aerial photography 2005]*

**Relevant Planning History** [see Appendix 5]

#### **Quarry at Ballinascorney Upper.**

The following planning applications relate to the quarry lands at Ballinascorney Upper:

## Section 261A Review of Quarries

### Ballinascorney Quarry

#### Reg. Ref. D. 1082

Planning permission was granted to Irish Aggregates Limited for a proposed quarry and ancillary buildings on a site comprising 24 acres at Ballinascorney Upper under Order No. P/353/74 dated 5<sup>th</sup> February 1974. The permission was subject to the removal of all structures on or before 28 February 1979.

#### Reg. Ref. G. 1292

Planning permission was refused by Dublin County Council for asphalt and readymix concrete plants for Irish Aggregates Limited at the quarry at Ballinascorney Upper on 9 August 1974 for three reasons:

1. *The site is located in an area zoned high amenity open space in the Development Plan. The industrial development now proposed would be in conflict with this objective, and would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.*
2. *The proposed development would be at variance with Condition No. 13 of the decision to grant permission for a temporary period for quarrying purposes by Order No. P/353/74, dated 5<sup>th</sup> February 1974.*
3. *The proposed industrial development would generate additional traffic movements on the adjoining sub-standard road network and would be likely to create serious traffic hazard by reason of the additional vehicle movements to and from the site.*

Planning permission was subsequently granted on appeal by the Minister for Local Government subject to a condition that the asphalt and readymix plants be removed from the site on or before 28 February 1979.

#### **Adjoining former quarry lands**

The following planning applications relate to the former quarry adjoining the subject quarry lands to the west:

#### Reg. Ref. H. 2603

Temporary planning permission granted to J. Fitzpatrick under order No. P/1885/76 dated 18 June 1976 for re-opening and development of a stone quarry at Ballinascorney Upper for a period of five years up to 30 June 1981.

#### Reg. Ref. TA. 766

Planning permission refused on appeal on 6 April 1981 for the installation of a mixing plant for bituminous materials on a quarry site at Ballinascorney Upper, for the reason that a grant of permission for a substantial plant which is expressly stated to be related to the quarrying and ancillary activity on the site would be contrary to proper planning and development, having regard to the fact that the permission for quarrying operations on the site (Reg. Ref. H.2603) is a temporary one which expires on 30 June 1981.

#### Reg. Ref. WA. 897

Planning permission refused on appeal on 11 August 1982 for retention of a quarry at Ballinascorney Upper, on grounds that the proposed development would: (1) conflict with the zoning objective to preserve the area and would be seriously injurious to the amenities of the area; (2) endanger public safety by reason of traffic hazard due to the generation of additional vehicular traffic on the existing inadequate road network in the area; (3) be likely to lead to pollution of waters in the catchment of the river Dodder and would therefore be prejudicial to public health.

#### Reg. Ref. WA. 898

Planning permission refused on 10 July 1981 for the retention of a quarry with mixing plant at Ballinascorney Upper, on grounds that the proposed development would: (1) conflict with the zoning objective to preserve the area and would be seriously injurious to the amenities of the area; (2) contravene materially conditions numbers 1 and 2 of Order No. P/1885/76 dated 18 June 1976 (Reg. Ref. H.2683); (3) endanger public safety by reason of traffic hazard due to the generation of additional heavy vehicular traffic on the existing sub-standard road network. Notification of withdrawal of appeal was received from An Bord Pleanala on 27 November 1981.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

*[see Appendix 5 Planning history documents]*

**Enforcement History:**

There is no relevant enforcement history relating to the subject quarry lands.

**Environmental Health Officer Report**

There are no EHO comments relating to the subject quarry lands.

**Section 261 Registration of Quarry**

Information relating to the quarry leased by Roadstone Dublin Limited at Ballinascorney Upper, was received on 27 April 2005 and was entered in the Planning Register under Register Reference SDQU05A/5. On further examination it was decided that the quarry was not eligible to be registered under section 261 as information submitted with the application stated that the quarry was not in operation at the time of registration and had been out of operation since 1979. Accordingly the entry in the planning register in respect of the quarry was cancelled. The lands concerned are currently registered on Folio 134775F to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare

**Section 261A Submissions**

No submissions have been received in respect of the subject quarry under section 261A.

**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;

## **Section 261A Review of Quarries**

### **Ballinascorney Quarry**

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**

Guidelines 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 states 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 2000-2011 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.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**I**

**DECISION REGARDING WHETHER THE QUARRY IS AUTHORISED:**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## Section 261A Review of Quarries

### Ballinascorney Quarry

**Section 261A(3)(a)(i): 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)

Information submitted in relation to the registration of the subject quarry at Ballinascorney Upper under Section 261 indicates that quarrying was carried out on the subject lands prior to 1<sup>st</sup> October 1964 (exact date of commencement unknown), and that no planning permission has been granted for the operation of a quarry at this location. Information submitted with the application states that quarry operations have been temporarily suspended since circa 1979, that Roadstone Dublin Limited have a leasehold interest in the quarry lands, and that the lands are owned by Aidan Bagnell, 18 Castlilawn, Athboy, Co. Meath.

Information retrieved from the Council’s planning records relating to the planning history of the subject quarry at Ballinascorney Upper indicates that a temporary planning permission was granted to Irish Aggregates Limited in 1974 for quarrying operations on the subject lands, subject to the removal of all structures and plant by 28 February 1979. Correspondence relating to the planning applications indicates that Irish Aggregates Limited acquired the quarry in 1971.

## **Section 261A Review of Quarries**

### **Ballinascorney Quarry**

On the basis of the available information, it is considered that quarry development carried out on the subject lands in the period from 1974 to 1979 was authorised on the basis of the planning permission granted by Order No. P/353/74, dated 5<sup>th</sup> February 1974 under register reference D. 1082.

It is noted that decision order P/022/07 dated 17 April 2007 made under section 261 deemed that the quarry at Ballinascorney Upper The lands concerned which are registered on Folio 134775F to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest is not a registered quarry.

### **Conclusion**

**Following an examination of the available information it is considered reasonable to conclude that quarry development at the unregistered quarry at Ballinascorney Upper Registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest was authorised on the basis of a temporary planning permission granted under Reg. Ref. D. 1082, which expired on 28 February 1979.**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**DETERMINATION IN RELATION TO ENVIRONMENTAL IMPACT ASSESSMENT**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**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)

An examination of the seven series of aerial photography flown at intervals during the period from 1971 to 2009 indicates changes in the extent of the quarry workings in that period as detailed in Table 3.

*[Appendix 7 Aerial photography 1971-2009]*

Table 3 Estimated increase in quarry area 1971-2009

<b>Year of photography</b>	<b>Estimated quarry area (hectares)</b>	<b>Increase in quarry area (hectares)</b>
1971	5.06	nil
1978	5.06	nil
1986	5.22	0.16
1995	5.22	nil
2000	5.22	nil
2005	5.22	nil
2009	5.22	nil

## Section 261A Review of Quarries

### Ballinascorney Quarry

It is noted that ordnance survey Dublin Sheet 24-8 surveyed in 1837 and revised in 1969, used as the base map for the planning register, illustrates a quarry comprising c. 0.77 hectares at this location. The first edition ordnance survey sheet illustrates a quarry at this location of insignificant size, and it can reasonably be inferred that the quarry at this location illustrated on the 1969 revised sheet is an accurate representation of the quarry excavation existing in 1969. Aerial photography flown in 1978 and 1986 illustrates a quarry at this location comprising of c. 5.06 hectares in 1978, and c. 5.22 hectares in 1986 when quarrying had ceased. It is noted that drawings relating to the application under Reg. Ref. G. 1292 appear to confirm the pattern of development at the quarry as outlined above. It appears therefore that the existing quarry excavation was largely developed in the period between 1969 and 1979 when active quarrying ceased. It is considered therefore that, as no development was carried out after 1 February 1990, no requirement arises for an examination of the quarry under subsection 261A(2)(a)(i)

*[Appendix 8 OS Dublin Sheet 24-8 surveyed 1837 revised 1969, and extract from Site layout drawing Reg. Ref. G.1292]*

### Conclusion

**Following an examination of the available information it is considered reasonable to conclude, having regard to the EIA Directives, that no quarry development has been carried out after 1 February 1990 at the unregistered quarry at Ballinascorney Upper registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, and the quarry site is therefore not subject to the requirements under subsection 261A(2)(a)(i) in respect of a determination in relation to Environmental Impact Assessment.**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**III**

**DETERMINATION IN RELATION TO HABITATS ASSESSMENT**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## Section 261A Review of Quarries

### Ballinascorney Quarry

#### 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-February 1997 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 in relation to the examination under section 261A(2)(a)(i), it appears on the basis of an examination of the available information that the existing quarry excavation at Ballinascorney Upper registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have an interest, was largely developed in the period between 1969 and 1979 when active quarrying ceased. It is considered therefore that, as no development was carried out after 26 February 1997, no requirement arises for an examination of the quarry under subsection 261A(2)(a)(ii).

## **Section 261A Review of Quarries**

### **Ballinascorney Quarry**

#### **Conclusion**

**Following an examination of the available information it is considered reasonable to conclude, having regard to the Habitats Directive, that no quarry development has been carried out after 26 February 1997 at the unregistered quarry at Ballinascorney Upper registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, and the former quarry site is therefore not subject to the requirements under subsection 261A(2)(a)(ii) in respect of a determination in relation to Habitats Assessment.**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**IV**

**DETERMINATION REGARDING WHETHER DEVELOPMENT COMMENCED AFTER 3<sup>rd</sup>**  
**JULY 2008**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## Section 261A Review of Quarries

### Ballinascorney Quarry

**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 concluded previously in relation to the examination under section 261A(2)(a)(i), it appears on the basis of an examination of the available information that the existing quarry excavation at Ballinascorney Upper registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, was largely developed in the period between 1969 and 1979 when active quarrying ceased. It is considered therefore that no requirement arises for an examination of the quarry under subsection 261A(5)(a).

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**Conclusion**

**Following an examination of the available information it is considered reasonable to conclude, having regard to the EIA and Habitats Directives, that no quarry development has been carried out after 3 July 2008 at the unregistered quarry at Ballinascorney Upper registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, in which Roadstone Wood Limited have a leasehold interest, and the former quarry site is therefore not subject to the requirements under subsection Section 261A(5)(a) in respect of a determination in relation to Environmental Impact Assessment and Habitats Assessment.**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**V**

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

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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## Section 261A Review of Quarries

### Ballinascorney Quarry

#### Section 261A(3)(b): 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)<sup>2</sup>

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 [see Appendix 6]

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*

<sup>2</sup> 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]

## Section 261A Review of Quarries

### Ballinascorney Quarry

*(i) such other matters in relation to the operations of the quarry as may be prescribed.*

*(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.*

Section 261 of the Planning & Development Act 2000 requires all owners / operators of quarries to which the section applies to register the quarry by providing details of the quarry operation to the planning authority within one year of the section coming into force.

The quarry at Ballinascorney does not have the benefit of a planning permission. Roadstone submitted an application to register the quarry under S261. Information relating to the quarry operated by Roadstone Dublin Limited at Ballinascorney Upper, was received on 27 April 2005 and was entered in the Planning Register under Register Reference SDQU05A/5.

The application stated that the quarry commenced operations pre-1964, that it is not in operation at the time of the application, that it is not normally used for quarrying operations on a seasonal or temporary basis, that quarrying operations are temporarily suspended and were last carried out in 1979.

By way of a request for further information Roadstone were requested to clarify how the quarry could be considered to come within the scope of S261 having regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, which state:

*“Failure to register a quarry, or to respond to a request for further information, will have serious consequences for the future of that quarry. From then on, the quarry will be considered an unauthorised development and, as such, may be subject to enforcement proceedings by the planning authority. For that reason, the owner or operator of an existing quarry whose use has been temporarily suspended but is normally in operation, or which is normally used on a seasonal or occasional basis, should register that quarry if they intend to recommence operations at that site. Where this is the case, evidence of that use or the length of time that the operations have been suspended should also be submitted. However, quarries which have been abandoned for a considerable amount of time (e.g. several years) will not be able to recommence operations without seeking planning permission. It is not possible to register an abandoned quarry in order to recommence its use.”<sup>3</sup>*

Roadstone made a submission in response to the request for further information stating that the purpose of registering the quarry within the scope of S261 is to define the extractable / reserve area as they wish

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<sup>3</sup> Quarries and Ancillary Activities Guidelines for Planning Authorities, DEHLG, April 2004

## Section 261A Review of Quarries

### Ballinascorney Quarry

to recommence quarrying operations at the site when the registration process has been finalised and subject to a future planning permission.

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 considers that the quarry at Ballinascorney does not come within the scope of S261 as it has been out of operation for approx 25 years. No submissions relating to the subject quarry were received during the specified period.

On further examination and on the basis of legal advice obtained in that regard, it was decided that as the quarry was not in operation at the time of registration and had been out of operation since 1979, the quarry previously operated on this site was not eligible to be registered as a quarry in accordance with Section 261, having regard to subsections (1) and (11) of Section 261. Accordingly the entry in the planning register in respect of the quarry was cancelled.

*[Appendix 10 S261 Manager's order and registration application documents]*

### Conclusion

**Following 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 not been fulfilled in respect of the disused quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare and in which Roadstone Wood Limited have a leasehold interest.**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**SUMMARY CONCLUSIONS AND RECOMMENDATIONS**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**Summary**

An examination of all available information relating to the development of the quarry in the townland of Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, has established the following.

- Limited quarrying was carried out on the subject lands prior to the commencement of the Local Government (Planning and Development) Act 1963.
- The existing quarry excavation, which largely dates from the period between 1969 and 1979, was mainly carried out on the basis of a temporary planning permission for the erection of quarry plant and ancillary buildings on the subject lands granted to Irish Aggregates Limited in 1974, which expired in 1979.
- Quarrying operations ceased in 1979 and have not been recommenced since then.
- As no quarry development has been carried out after the relevant dates no requirement for EIA or Habitats assessment arises under the EIA and Habitats Directives.
- The subject quarry is not a registered quarry under S. 261, as it was deemed not to be eligible for registration because it was not in operation at the commencement of section 261.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**Conclusions**

**Section 261A(3)(a)(i): A decision regarding whether the quarry commenced operation prior to 1 October 1964, or whether planning permission was granted in respect of the quarry.**

Following an examination of the available information it is considered reasonable to conclude that quarry development at the unregistered quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, was authorised on the basis of a temporary planning permission granted under Reg. Ref. D. 1082, which expired on 28 February 1979.

**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.**

Following an examination of the available information it is considered reasonable to conclude, having regard to the EIA Directives, that no quarry development has been carried out after 1 February 1990 at the unregistered quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, and the quarry is therefore not subject to the requirements under subsection 261A(2)(a)(i) in respect of a determination in relation to Environmental Impact Assessment.

**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.**

Following an examination of the available information it is considered reasonable to conclude, having regard to the Habitats Directive, that no quarry development has been carried out after 26 February 1997 at the unregistered quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, and the quarry is therefore not subject to the requirements under subsection 261A(2)(a)(ii) in respect of a determination in relation to Habitats Assessment.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**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.**

Following an examination of the available information it is considered reasonable to conclude, having regard to the EIA and Habitats Directives, that no quarry development has been carried out after 3 July 2008 at the unregistered quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest, and the former quarry site is therefore not subject to the requirements under subsection Section 261A(5)(a) in respect of a determination in relation to Environmental Impact Assessment and Habitats Assessment.

**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).**

Following 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 not been fulfilled in respect of the disused quarry at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnall, 34 Maynooth Park, Maynooth, Co Kildare, and in which Roadstone Wood Limited have a leasehold interest.

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

**Recommendation**

Following an examination of all available information it is considered, having regard to the dates of implementation of the EIA Directives and the Habitats Directive, that no quarry development has been carried out after the relevant dates on the unregistered quarry lands at Ballinascorney Upper, Bohernabreena, County Dublin, registered to Aidan Bagnell, 18 Castlawn, Athboy, Co. Meath, and in which Roadstone Wood Limited have a leasehold interest. It is therefore considered 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) in respect of the subject quarry.

It is recommended that an order be made to that effect and that the registered owner of the landholding and leasehold interests 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).

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Senior Executive Planner**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Senior Planner**

**Section 261A Review of Quarries**  
**Ballinascorney Quarry**

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# Ballinascorney Quarry Ballinascorney, Co. Dublin

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

Appendices to Report



**BALLINSCORNEY QUARRY  
BALLINSCORNEY UPPER,  
BOHERNABREENA, COUNTY DUBLIN**

**SOUTH DUBLIN COUNTY COUNCIL**

**SECTION 261A PLANNING AND DEVELOPMENT ACT 2000  
REVIEW OF QUARRIES**

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**APPENDICES TO REVIEW OF ROADSTONE  
BALLINSCORNEY QUARRY**

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**ROADSTONE WOOD LIMITED (LEASEHOLD)**

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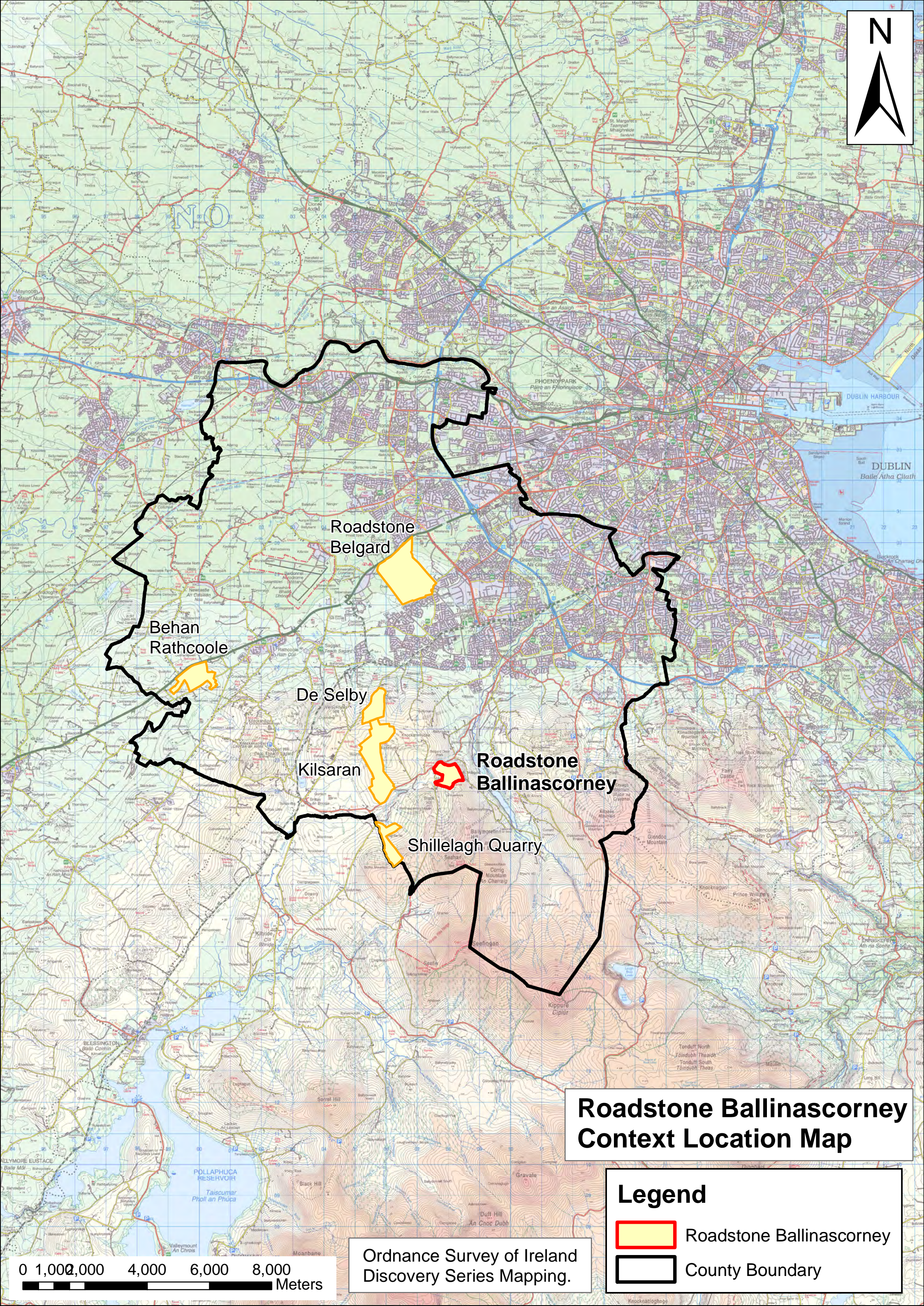
**APPENDICES TO REVIEW OF ROADSTONE  
BALLINSCORNEY QUARRY**

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## **Appendices**

- Appendix 1*** Site location map; S. 261 site layout plan; map illustrating 350 m contour line on quarry lands and prospects to be preserved
- Appendix 2*** Relevant extracts from County Development Plan 2010-2016
- Appendix 3*** Map illustrating sites of nature conservation interest
- Appendix 4*** Oblique aerial photography 2005
- Appendix 5*** Planning history documents
- Appendix 6*** S. 261A Public Notice
- Appendix 7*** Aerial photography 1971-2009
- Appendix 8*** OS Dublin Sheet 24-8 surveyed 1837 revised 1969; and extract from Site Layout drawing Reg. Ref. G.1292
- Appendix 9*** Evidence of Leasehold Interest
- Appendix 10*** S. 261 Manager's order and registration application documents

APPENDIX 1  
SITE LOCATION MAP, S261 SITE LAYOUT PLAN, 350M  
CONTOUR AND PROSPECTS TO BE PRESERVED



NO

DUBLIN HARBOUR  
DUBLIN  
Baile Átha Cliath

Roadstone  
Belgard

Behan  
Rathcoole

De Selby



Kilsaran

Roadstone  
Ballinascorney

Shillelagh Quarry

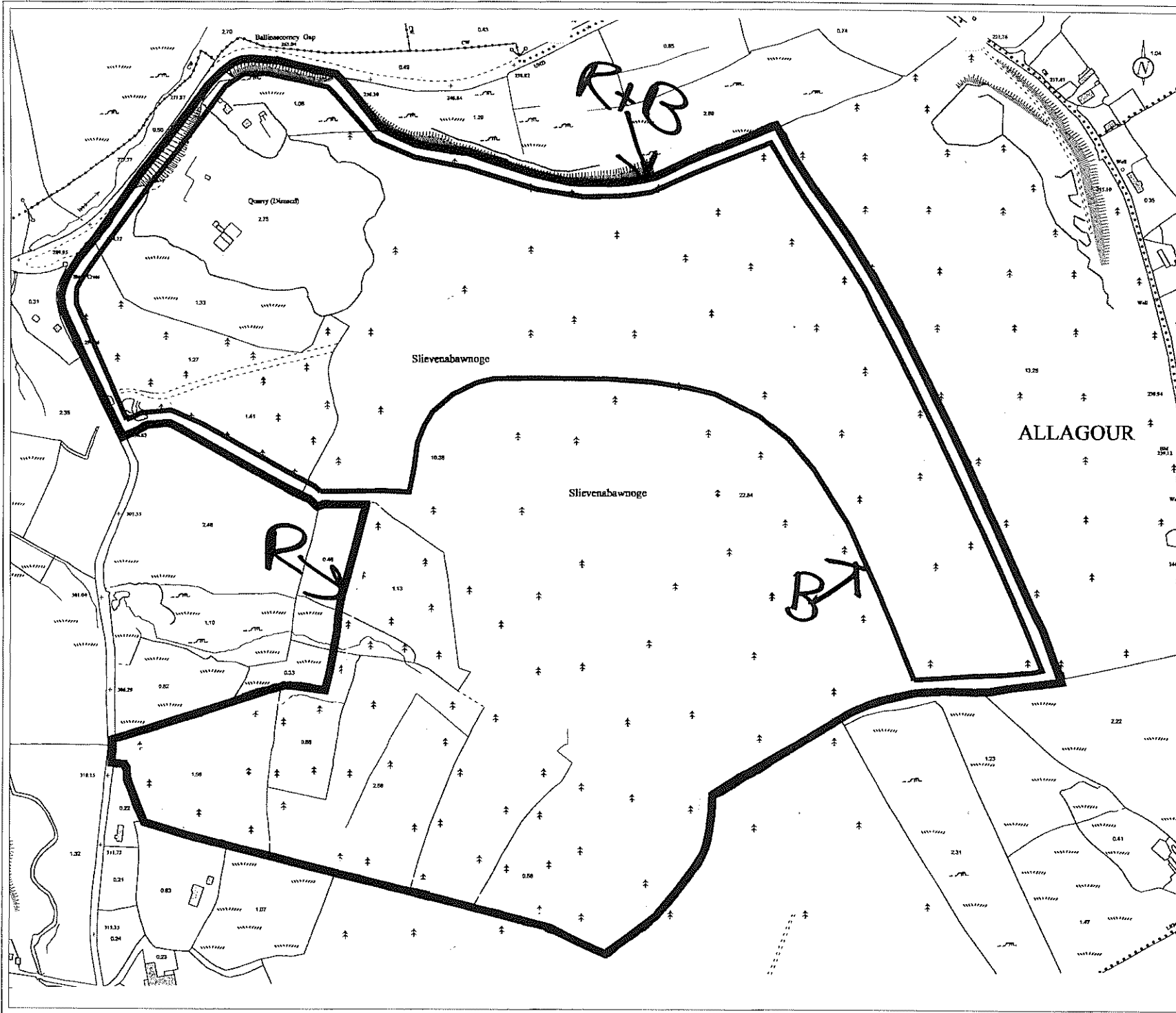
## Roadstone Ballinascorney Context Location Map

**Legend**



-  Roadstone Ballinascorney
-  County Boundary

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

Ordnance Survey of Ireland  
Discovery Series Mapping.



**LEGEND**

-  Applicants Interest (c. 47.9ha)
-  Extraction Area (c. 21.9ha)

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Scale 1:2500  
 0m 50m 150m

Based on 1:2500 scale digital map Sheet No  
 3453-C, 3452-D, 3513-B, 3514-A  
 provided by Ordnance Survey Ireland

Ordnance Survey Ireland Licence No. SU 0000705 (c) Government of Ireland



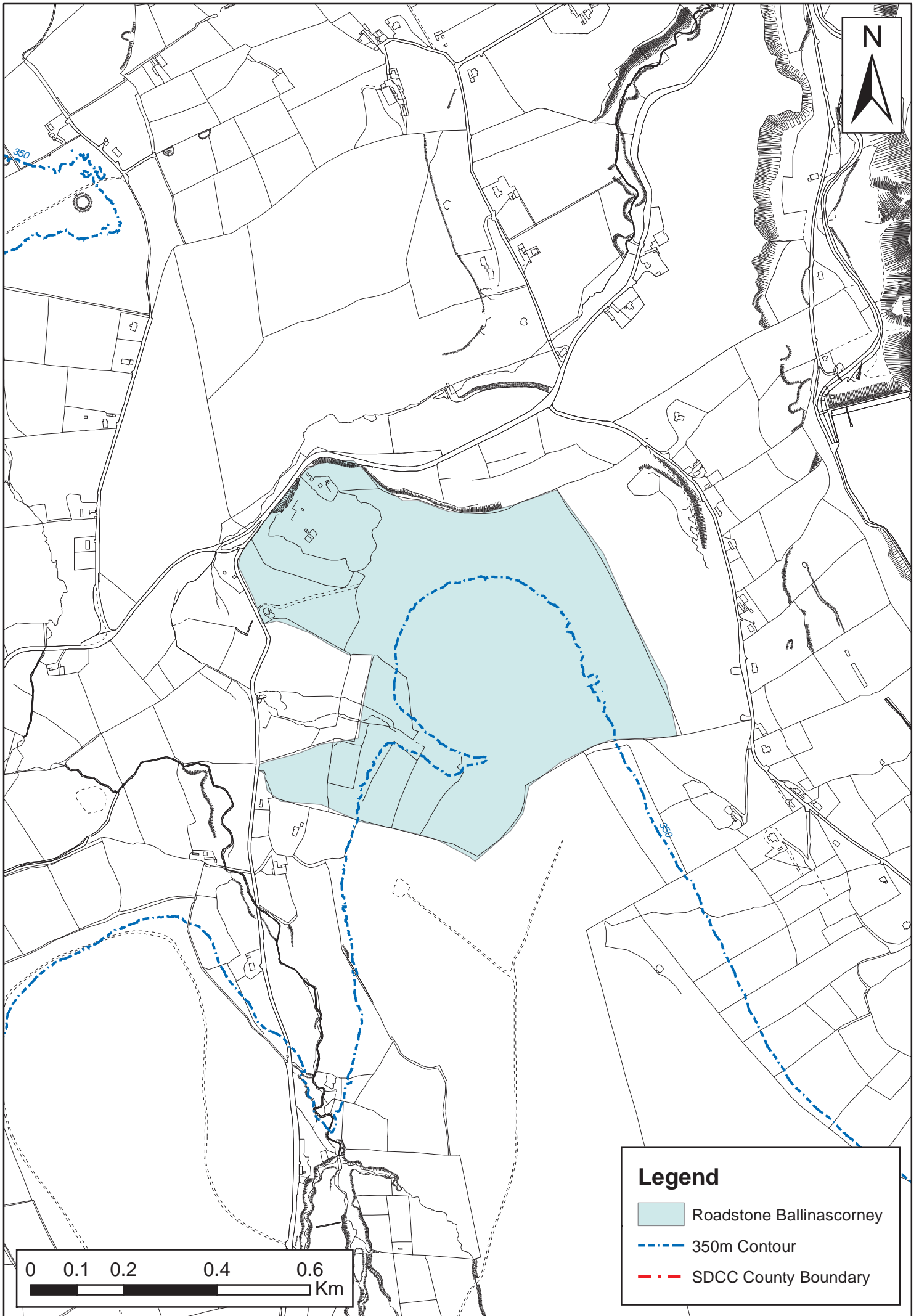
**roadstone**  
 ROADSTONE DUBLIN LTD.  
 FORTUNESTOWN  
 TALLAGHT  
 DUBLIN 24

Project:  
**Roadstone Dublin Ltd.**  
*Ballinacorney Upper, Co. Dublin*  
 Section 261 Site Plan




Title:  
**Site Layout Plan**

**Figure 1**

Author: pmc	Ref: 3371
Date: Mar 2005	



**Legend**

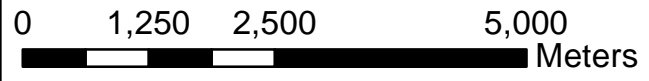
-  Roadstone Ballinascorney
-  350m Contour
-  SDCC County Boundary



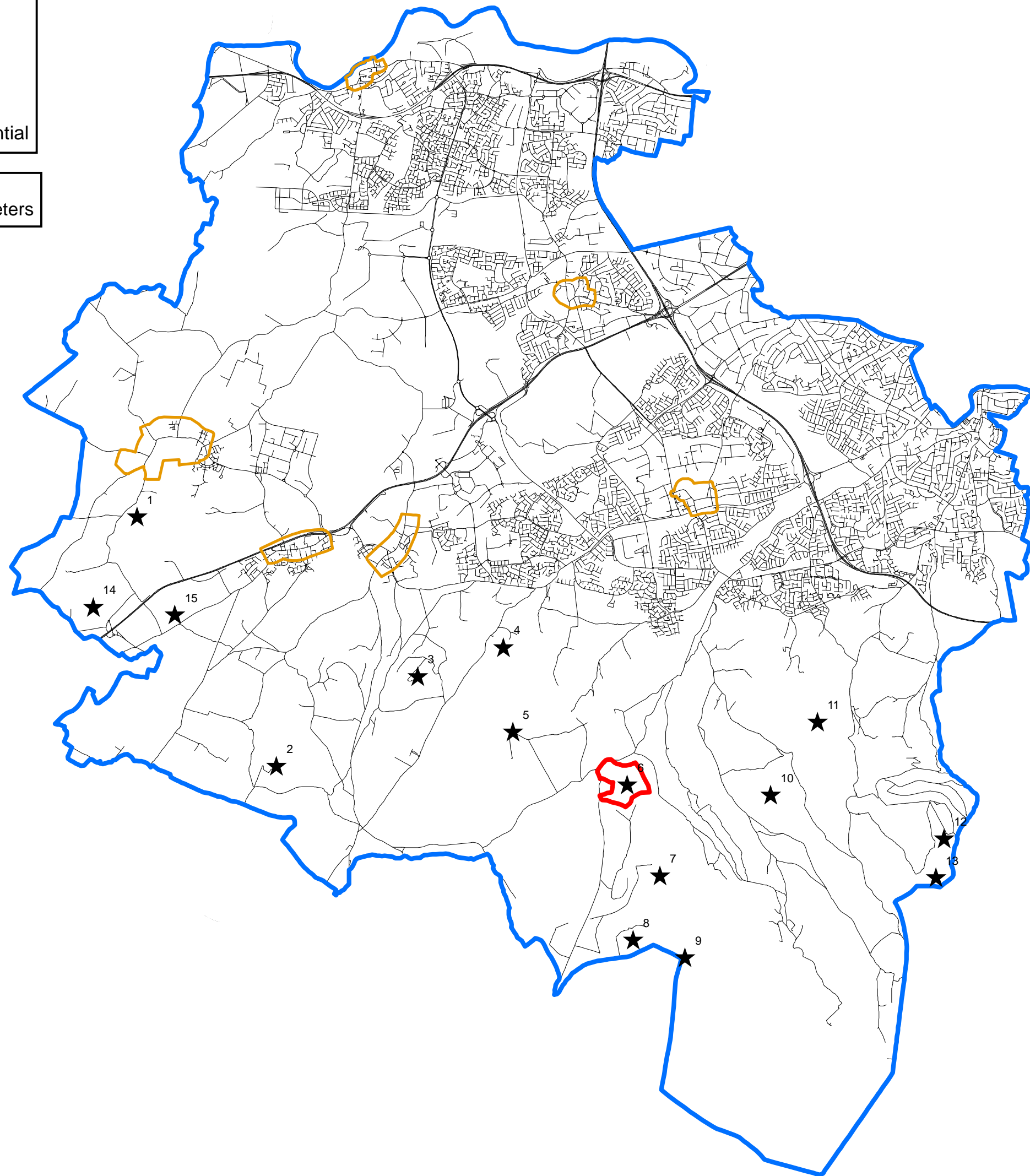


# Legend

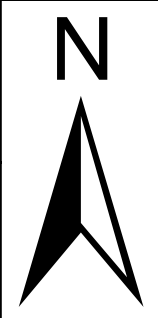
- ★ Prospects
- ▭ Roadstone Ballinascorney
- ▭ Areas of Archaeological Potential



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









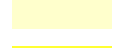

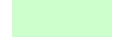








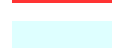




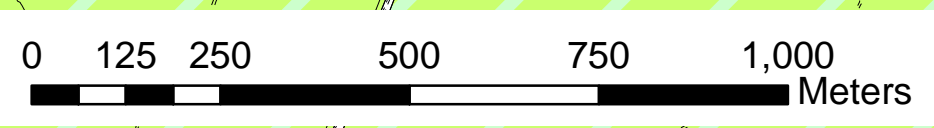
APPENDIX 2  
RELEVANT EXTRACTS FROM COUNTY DEVELOPMENT PLAN  
2010-2016



Extract from SDCC  
2010-2016  
Development Plan Map

**Legend**

-  Roadstone Ballinascorney
-  County Boundary
-  Reservoir Catchment Area
-  Special Area of Conservation
-  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



## **Section 261A Review of Quarries Roadstone Ballinscorney Quarry**

### **Relevant Policies and objectives of South Dublin County Development Plan 2010-2016**

#### Extractive Industry

Policy EE36: Operation of Extractive Industries It is the policy of the Council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality.

#### Policy EE37: Proposals for New Extractive Industries

It is the policy of the Council that in the assessment of 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.

#### Policy EE38: EIA and Landscape Plan Requirements for Extractive Industries

It is the policy of the Council that it is a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement, as appropriate and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape. The predominant use of native plant species in landscaping plans is encouraged. The Council will have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities (2004) or as may be amended from time to time.

#### National Routes

#### Policy T21: National Routes

It is the policy of the Council to protect the efficiency and safety all National Routes, including junctions, from frontage access and to keep the number of junctions to a minimum consistent with good traffic management.

#### Glenasmole/Bohernabreena Area

#### Policy H36: Glenasmole/Bohernabreena Area

It is the policy of the Council that development is generally prohibited within the restricted areas as shown on Figure 6 of the Bohernabreena/Glenasmole Housing and Planning Study (2002, or as may be reviewed and amended from time to time) following consultation with local residents and Elected Representatives, in accordance with Development Plan Policy SCR2, Community Information and Consultation. This includes significant areas of the reservoir catchment which is used as a water supply for domestic use and human consumption. Any proposed development within the Study Area will be subject to criteria and constraints as set out in the Study, giving due regard to the assessment requirements of the Habitats Directive regarding the protection of the integrity of Natura 2000 sites. The area covered by the Study is outlined on the Development Plan maps. The full text of The Study is included in Appendix 8.

### Policy H37 : Rural Communities of Glenasmole

Bohernabreena /Ballinascorney /Brittas It is the policy of the Council to seek to ensure the long term viability of the rural communities of Glenasmole/Bohernabreena/Ballinascorney/Brittias and to this end, will facilitate local residents who wish to build a family home in their local area.<sup>1</sup>

### Archaeological Heritage

Policy AA1: Archaeological Heritage It is the policy of the Council to protect and conserve the archaeological heritage of the County.

### Conservation of Buildings, Structures

Policy AA7: Conservation of Buildings, Structures and Sites

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. The Council will carefully consider and scrutinise proposals for development within the curtilage of a Protected Structure in order to assess the impact that development may have on the contribution that the curtilage makes to the character of a Protected Structure.

### Architectural Conservation Areas

Policy AA8: Architectural Conservation Areas

It is the policy of the Council that areas that have particular environmental qualities that derive from their overall layout, design and unity of character be designated as Architectural Conservation Areas.

### Preservation of Landscape

Policy LHA1: Preservation of Landscape Character

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) or any finalised Guidelines which may be issued. It is an objective of the Council to further develop the Landscape Character Areas Assessment in accordance with the Draft Guidelines including deriving a series of objectives for each character area.

Policy LHA2: Views and Prospects 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, these are shown on the Development Plan Maps and prospects are listed in Table 4.3.1.<sup>2</sup>

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<sup>1</sup> South Dublin County Council Development Plan 2010-2016 page 75.

<sup>2</sup> South Dublin County Council Development Plan 2010-2016 page 247.

### Special Areas of Conservation and proposed Natural Heritage Areas

#### Policy LHA8: Special Areas of Conservation and proposed Natural Heritage Areas

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.

Policy LHA9: Impacts on Natura 2000 Sites It is the policy of the Council that projects giving rise to significant direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this Plan (either individually or in combination with other plans or projects); Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:

- (a) No alternative solution available;
- (b) Imperative reasons of overriding public interest for the plan to proceed and
- (c) Adequate compensatory measures in place.

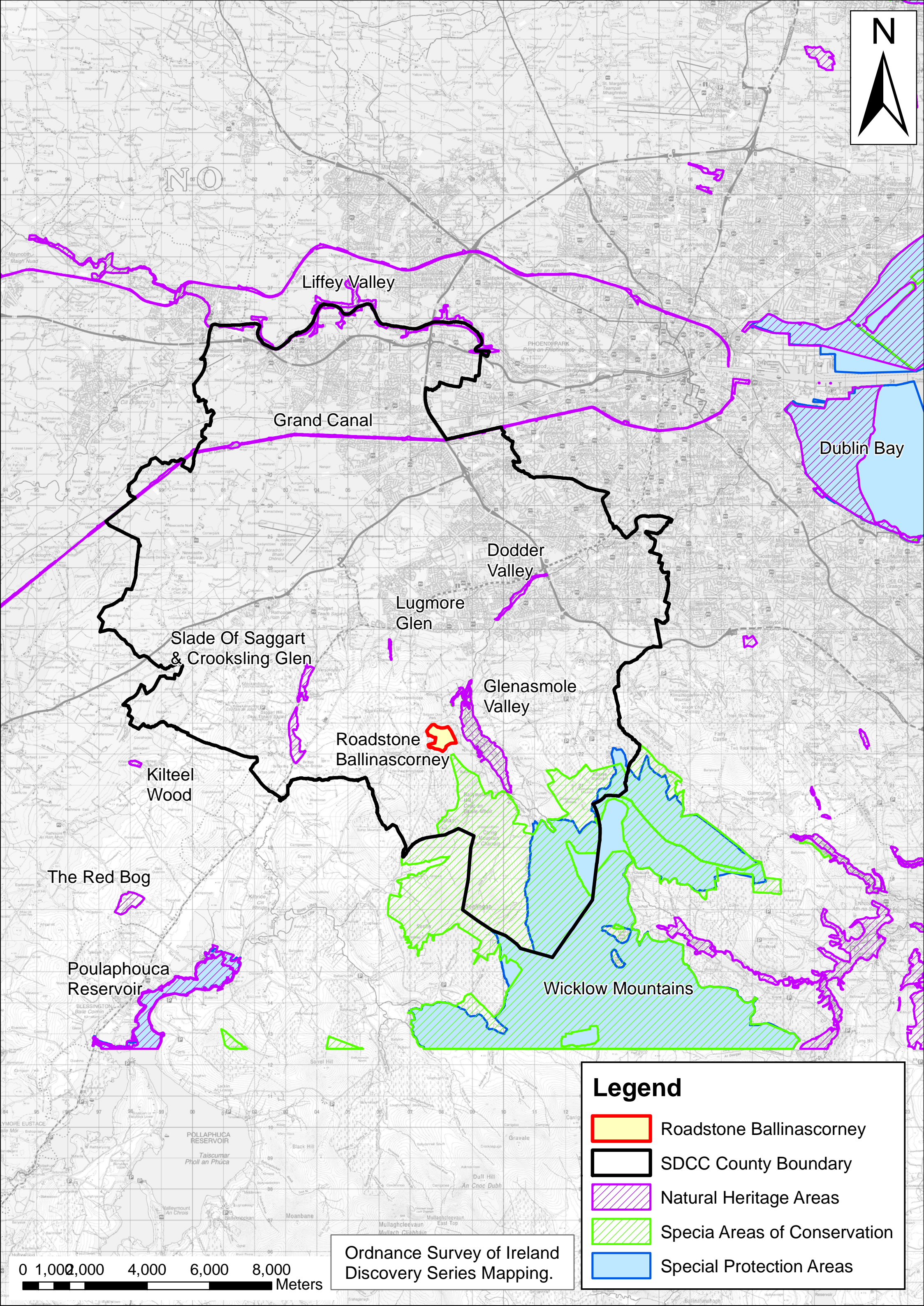
All subsequent plan-making and adoption of plans arising from this Plan and proposed amendments to the adopted plan will be screened for the need to undertake Stage 2 Appropriate Assessment under Article 6 of the Habitats Directive. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. Projects noted within the National Parks and Wildlife Service Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009) will be screened for the need to undertake Stage 2 Appropriate Assessment under Article 6 of the Habitats Directive.

### Preservation of Major Natural Amenities

#### 4.3.9.iii Policy LHA27: Preservation of Major Natural Amenities

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 along with facilitating walking and cycling routes linking the mountains, river valleys and major parks.

APPENDIX 3  
MAP ILLUSTRATING SITES OF NATURE CONSERVATION  
INTEREST



NO

Liffey Valley

Grand Canal

Dublin Bay

Dodder Valley

Lugmore Glen

Slade Of Saggart & Crooksling Glen

Glenasmole Valley

Roadstone Ballinascorney




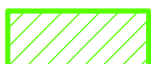
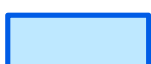
Killeel Wood

The Red Bog

Poulaphouca Reservoir

Wicklow Mountains

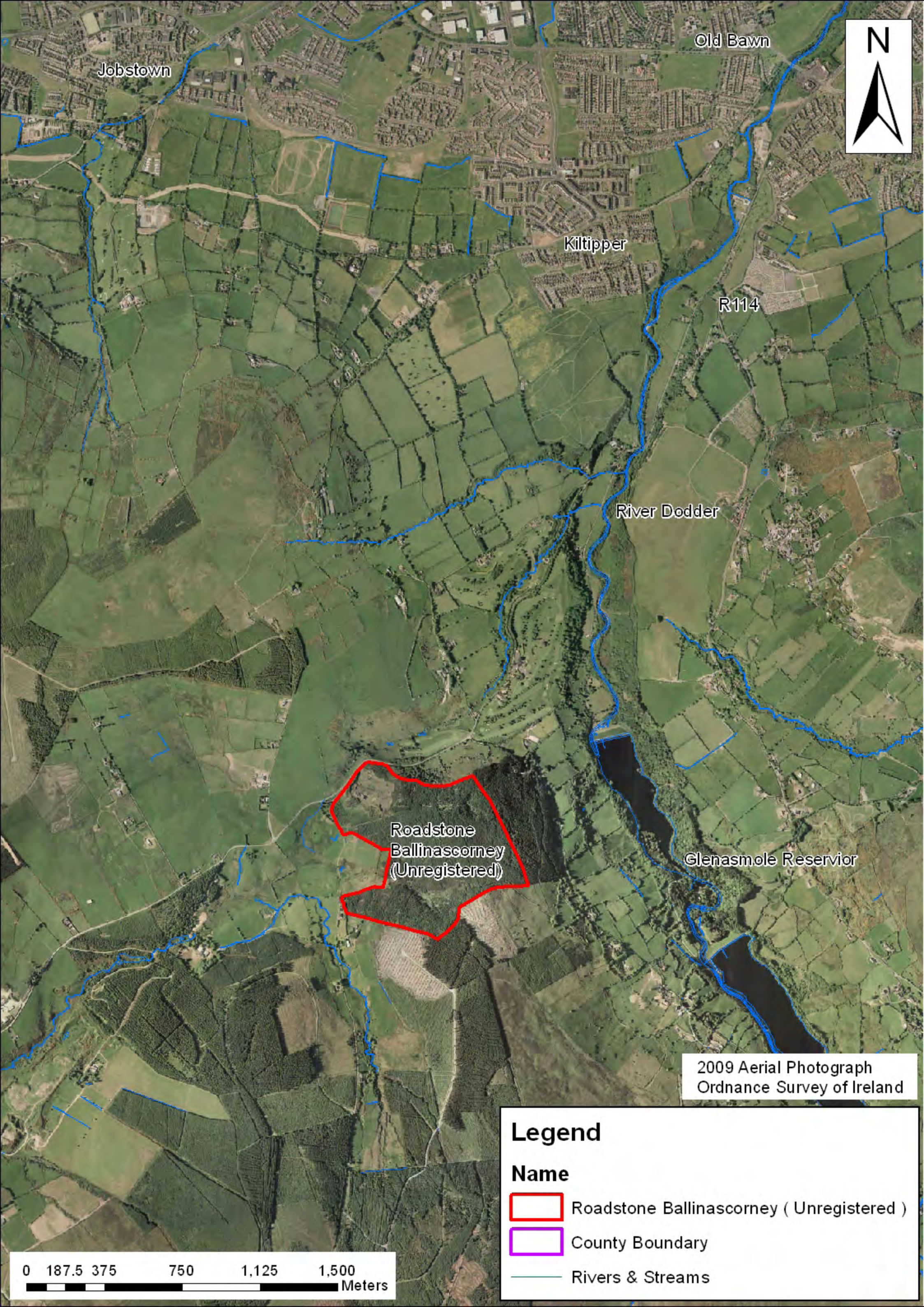
### Legend

-  Roadstone Ballinascorney
-  SDCC County Boundary
-  Natural Heritage Areas
-  Special Areas of Conservation
-  Special Protection Areas

Ordnance Survey of Ireland  
Discovery Series Mapping.

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

APPENDIX 4  
CONTEXT AERIAL PHOTO AND OBLIQUE PHOTO 2005



Jobstown

Old Bawn

Kiltipper

R114

River Dodder




Roadstone  
Ballinascorney  
(Unregistered)

Glenasmole Reservoir

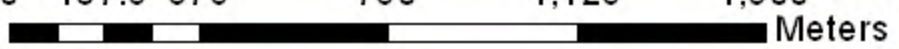
2009 Aerial Photograph  
Ordnance Survey of Ireland

### Legend

#### Name

-  Roadstone Ballinascorney ( Unregistered )
-  County Boundary
-  Rivers & Streams

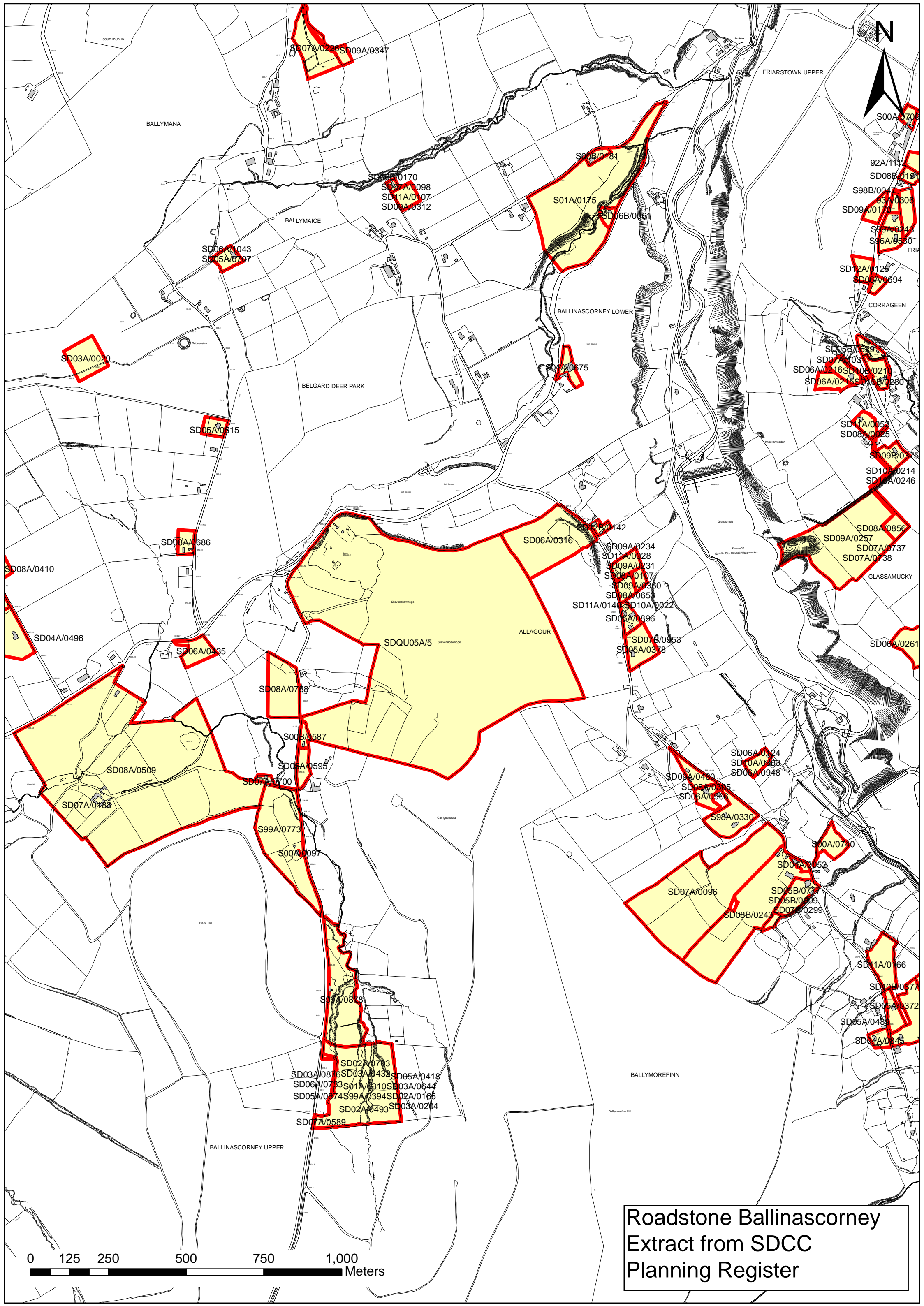
0 187.5 375 750 1,125 1,500  
Meters





Photography by Gerry O'Leary - Printing by Repro 35 - image taken 08/08/05 Roadstone Ballinascorney ( Unregistered )

APPENDIX 5  
PLANNING HISTORY DOCUMENTS



SD07A/0229 SD09A/0347

BALLYMANA

FRIARSTOWN UPPER



S00A/0709

92A/113

SD08B/0197

S98B/0017

93A/0306

SD09A/0175

S99A/0343

S96A/0530

FRIAR

SD12A/0126

SD05A/0694

CORRAGEEN

SD05B/0639

SD07A/0103

SD06A/0216 SD10B/0210

SD06A/0215 SD10B/0280

SD17A/0052

SD08A/0025

SD09B/0375

SD10A/0214

SD10A/0246

SD08A/0856

SD09A/0257

SD07A/0737

SD07A/0738

GLASSAMUCKY

SD06A/0261

SD03A/0029

SD05A/0515

SD08A/0686

SD08A/0410

SD04A/0496

SD06A/0435

SD08A/0788

S00B/0587

SD05A/0595

SD07A/0700

S99A/0773

S00A/0097

SD07A/0163

SD08A/0509

SD02B/0142

SD06A/0316

SD09A/0234

SD11A/0028

SD09A/0231

SD08A/0107

SD09A/0360

SD08A/0653

SD11A/0140 SD10A/0022

SD05A/0896

SD07B/0953

SD05A/0378

SD06A/0324

SD10A/0383

SD06A/0948

SD09A/0480

SD05A/0385

SD06A/0986

S98A/0330

SD07A/0096

S00A/0730

SD04A/0052

SD05B/0777

SD05B/0609

SD07B/0299

SD11A/0166

SD10B/0377

SD05A/0372

SD05A/0483

SD08A/0345

SD02A/0703

SD03A/0876 SD03A/0432 SD05A/0418

SD06A/0783 SD01A/0310 SD03A/0644

SD05A/0674 S99A/0394 SD02A/0165

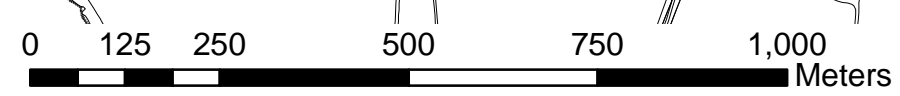
SD02A/0493 SD03A/0204

SD07A/0589

BALLINASCORNEY UPPER

BALLYMOREFINN

Ballymorefinn Hill



Roadstone Ballinascorney  
Extract from SDCC  
Planning Register

**REGISTER REFERENCE: D.1082 (MO NO. P/353/74)**  
PROPOSED: QUARRY PLANT AND QANCILLARY BUILDINGS  
PERMISSION GRANTED FOR A TEMPOARY PERIOD BE NOT  
MORE THAN 5-YEARS IN THE 1<sup>ST</sup> INSTANCE

**REGISTER REFERENCE: G.1292 PL.6/5/28409**  
PROPOSED: ASPHALT AND READYMIX PLANT  
PERMISSION REFUSED AND OVERTURNED ON APPEAL

*OTHER RELEVANT PLANNING HISTORY, FORMER QUARRY  
ADJOINING THE ROADSTONE QUARRY LANDS TO THE WEST.*

**REGISTER REFERENCE: H.2603**  
PROPOSED: RE-OPENING AND DEVELOPMENT OF A STONE  
QUARRY  
GRANTED TEMPORARY PLANNING PERMISSION

**REGISTER REFERENCE: TA.766**  
PROPOSED: INSTALLATION OF A MIXING PLANT FOR  
BITUMINOUS MATERIALS  
REFUSED PLANNING PERMISSION ON APPEAL

**REGISTER REFERENCE: WA.897**  
PROPOSED: RETENTION OF A QUARRY  
PLANNING PERMISSION REFUSED ON APPEAL

**REGISTER REFERENCE: WA.898**  
PROPOSED: RETENTION OF A QUARRY WITH MIXING PLANT  
RETENTION PLANNING PERMISSION REFUSED  
NOTIFICATION OF WITHDRAWEL OF APPEAL WAS RECEIVED  
FROM AN BORD PLEANALA ON 27 NOVEMBER 1981

**REGISTER REFERENCE: D.1082 (MO NO. P/353/74)**  
**PROPOSED: QUARRY PLANT AND QANCILLARY BUILDINGS**  
**PERMISSION GRANTED FOR A TEMPOARY PERIOD BE NOT**  
**MORE THAN 5-YEARS IN THE 1<sup>ST</sup> INSTANCE**

## COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

P.C. 13544: Proposed quarry plant and ancillary buildings at Ballinascorney, Upper, Brittas for Irish Aggregates Ltd.

Irish Aggregates Ltd.,  
39, Sundrève Rd.,  
Kimmage,  
Dublin, 12.

Reg.No: O. 1082.  
Application received: 9/6/71.  
Additional inf. recd: 6/12/78.  
Site area: 24 acres

Report of the Dublin Planning Officer dated 8th February, 1974.

The application is for permission for the erection of quarry plant and ancillary buildings on a site 24 acres in extent at Ballinascorney Upper. This quarry was formerly worked some years ago for Road Aggregates and was re-opened by the applicant during 1970. The plant on site consists of primary crushers (moveable), cone crusher, generator and store fuel tanks, mechanics store, servicing and work shop and temporary offices. There is also a small temporary canteen adjoining the generator house. Quarrying operations including blasting have been in progress since 1970. Temporary access facilities are in use adjoining the existing public road. The site is located in an area zoned high amenity open space in the Development Plan. I have noted the Roads Engineer's report dated 14/1/74 and the Supervising Health Inspector's report dated 30/1/74. In view of the previous history in quarry workings on these lands I consider that a temporary permission for approximately 5-years in the 1st instance could be given in this case. Adjustments to the proposed foul drainage arrangements will be necessary and satisfactory arrangements for the provision of adequate and potable water supply together with satisfactory dispatch of surface water are also necessary.

I recommend that permission for a temporary ~~permission~~ <sup>period</sup> be not more than 5-years in the 1st instance be granted under the Local Government (Planning and Development) Act, 1963, subject to the following conditions:-

Conditions:	Reasons for conditions:
(1) That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application save as in the conditions hereunder otherwise required.	(1) To ensure that the development be in accordance with the permission and effective control maintained.
(2) That the structures shall be removed on or before 28th February, 1979, unless before that date permission for its retention is granted by the Planning Authority or by the Minister on appeal.	(2) To enable the effect of the development on the amenities of the area to be reviewed, having regard to the conditions then obtaining.
(3) That the water supply and drainage arrangements including the satisfactory disposal of surface water be in accordance with the requirements of the County Council. The applicant's must further consult with the Supervising Health Inspector, 9, Rutland Place, with a view to reaching an agreement for the purpose of providing a satisfactory system of foul drainage treatment and disposal.	(3) In order to comply with the Sanitary Services Acts, 1878 - 1964.
(4) That the requirements of the Chief Fire Officer if any, be adhered to in respect of this development. The applicant's must consult with the Fire Prevention Officer with regard to these matters.	(4) To protect the safety of persons occupying or employed in the structures or any adjoining structures.

Continued:

P.C. 13544: Proposed quarry plant and ancillary buildings and Ballinascorney Upper, Brittas, for Irish Aggregates Ltd.

Conditions:	Reasons for conditions:
<p>(5) Within 3-months of this decision to grant permission a detailed scheme for the reinstatement and landscaping of the worked-out portions of the quarry together with details of proposals for the reinstatement of areas at ground level and areas no longer required for surface plant or buildings, shall be submitted to the Planning Authority by the developers and shall be agreed between the developers and that authority. <del>or in default of agreement shall be as determined by the Minister for Local Government.</del></p> <p>The scheme shall provide for the carrying out of such works as may be necessary to make the land useful for agricultural or recreational purposes and consistent in appearance with surrounding land including works for the disposal of waste materials and for the moulding of surface levels, the provision of natural surface and subsoil drainage, vegetation planting and re-seeding and the securing of stable and self-regulating terrain. The scheme shall also provide for the carrying out of the reinstatement and landscaping operations within a definite period or periods related to the anticipated pace of quarrying operations on the site. Reinstatement and landscaping shall be carried out in accordance with the scheme approved as aforesaid.</p>	<p><del>(5) To secure the eventual restoration of the land to an appearance and use consistent with the appearance and use of lands in the vicinity of the site in as short a period as possible.</del></p>
<p>(6) A detailed scheme and programme for such works illustrated by a map to a scale of 1:2500, shall be submitted to the planning authority by the developers and shall be agreed between the developers and that authority. <del>or in default of agreement shall be as determined by the said Minister.</del></p> <p>This scheme shall show the proposed location and extent of belts of trees and shrubs to be planted in order to provide effective screening of the development particularly <del>particular</del> when viewed from the public roads on the perimeter of the site and shall indicate the time-scale proposed for the carrying out of the planting. Planting shall be carried out in accordance with the scheme approved as aforesaid.</p>	<p>(6 &amp; 7) In the interest of the visual amenities of the area.</p>
<p>(7) Existing or proposed trees or shrubs on the site which provide or will provide screening of the development, shall not be destroyed or removed without the prior agreement of the Planning Authority. In the event of natural failure of any such screening steps shall be taken to replace it.</p>	<p>(7)x</p>

Continued;

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

P.C. 17544: Proposed quarry plant and ancillary buildings at Bellinacorney Upper, Bricliffes for Irish Aggregates Ltd.

Conditions:	Reasons for conditions:
<p>(8) Not less than 24-hours advance notice of each explosion to be carried out shall be given to occupants of lands adjoining the site. Explosions shall be limited to the hours between 8.00-a.m. and 10.00-p.m. and the best practicable means shall be used to minimise the degree of nuisance caused by explosions, such means to include the proper management of the operations, regard being had to the timing and frequency and the use of the most careful blasting techniques.</p>	<p>(8) To minimise nuisance and injury to the amenities of the area resulting from noise.</p>
<p>(9) That any necessary land required for road improvement purposes be reserved as such and made available to the County Council. The developers are to remove the section of bend adjoining Bellinacorney Gap and construct that section of road shown on the attached map dated 8th January 1974, Ref. 5/22 to the standards and specifications of the Roads Department. The developers must agree the access arrangements and any alternative access required with the Roads Engineer. Suitable vision splays (300-ft.) and adequate truck movement storage together with off street car parking arrangements are also to be agreed with the Roads Department. The developers must also agree any necessary contribution arrangements to the repair of any damage to adjacent public roads resulting from abnormal traffic circulation caused by the developers.</p>	<p>(9) In the interest of the proper planning and development of the area.</p>
<p>(10) Quarrying and other ancillary operations shall be contained within the working area of the site as shown on drawing Nos. 3 and 225/1 submitted on the 6th December, 1973, and no machinery or debris shall be placed on other parts of the site or on any public road.</p>	<p>(10) In the interest of the general amenities of the area.</p>
<p>(11) For each acre of land to be disturbed by quarrying and other ancillary operations, security by way of bond, guarantee or cash deposit at the rate of £250 per acre shall be given to the Planning Authority before operations in relation to that acre shall be commenced to ensure the satisfactory completion of re-instatement and landscaping works. The amount of security per acre shall be adjusted as necessary to allow for cost variations taking the rates</p>	<p>Continued:</p>

13544: Proposed quarry plant and ancillary buildings at  
Knassorney Upper, Brittas, for Irish Aggregates Ltd.

Conditions:	Reasons for conditions:
<p>current as at the date of this report, for horticultural and rural landscape work as a base. conditions under which such security is given and held (including provision for the investment of any moneys deposited with the planning authority and of interest thereon, and repayment to the Planning Authority of any moneys paid by them on the satisfactory completion by the developers of the reinstatement and landscaping work to which the particular deposit related) shall be agreed between the developers and the Planning Authority.</p>	<p>(11) To ensure the eventual restoration of the land to an appearance and the consistent with other lands in the vicinity.</p>
<p>2) That Building Bye-laws approved shall be obtained and any conditions of such approval shall be observed in the development.</p>	<p>(12) In order to comply with the Sanitary Services Acts, 1878 - 1964.</p>
<p><i>(13) This permission includes re-aligning concrete &amp; asphalt preparation production &amp; operation on these lands.</i></p>	<p><i>(13) In (GRH/AM) the interest of the proper planning &amp; development of the area.</i></p>

*[Signature]*  
for Dublin Planning Officer

Endorsed: *[Signature]*  
Senior Administrative Officer

Order: A decision pursuant to Section 26 (1) of the Local Government (Planning and Development) Act, 1963, to grant permission for the above proposal subject to the conditions set out in the above report, is hereby made.

Dated: 5 February, 1974. *[Signature]*  
ASSISTANT CITY AND COUNTY MANAGER

to whom the appropriate powers have been delegated by order of the Dublin City and County Manager, dated the 19th November, 1973.

**REGISTER REFERENCE: G.1292 PL.6/5/28409**  
**PROPOSED: ASPHALT AND READYMIX PLANT**  
**PERMISSION REFUSED AND OVERTURNED ON APPEAL**

# COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference <i>P.C.</i> 13544	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 <b>PLANNING REGISTER</b>	REGISTER REFERENCE G.1292
1. LOCATION	Ballinascooney, Co. Dublin.	
2. PROPOSAL	Asphalt and Readymix Concrete Plant.	
3. TYPE & DATE OF APPLICATION	TYPE	Date Received
	P.	10th June, 1974.
		Date Further Particulars
		(a) Requested (b) Received
		1. .... 1. ....
		2. .... 2. ....
4. SUBMITTED BY	Name O'Malley and Bergin, Architects, Address 33, Fitzwilliam Place, Dublin, 2.	
5. APPLICANT	Name Irish Aggregates Limited, Address 39, Sundrive Road, Dublin, 12.	
6. DECISION	O.C.M. No. P/2584/74	Notified 9/8/74
	Date 9/8/74	Effect Permission Refused
7. GRANT	O.C.M. No.	Notified
	Date	Effect
8. APPEAL	Notified 20/8/74	Decision Permission Granted To Reverse the County Council's Decision
	Type 1st Party	Effect
9. APPLICATION SECTION 26 (3)	Date of application	Decision
		Effect
10. COMPENSATION	Ref. in Compensation Register	
11. ENFORCEMENT	Ref. in Enforcement Register	
12. PURCHASE NOTICE		
13. REVOCATION or AMENDMENT		
14.		
15.		
16.		

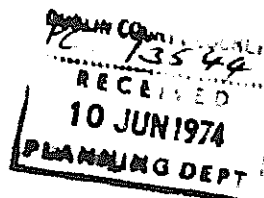
Prepared by .....	Copy issued by .....Registrar.	
Checked by .....	Date .....	
Grid Ref.	O.S. Sheet	Co. Accts. Receipt No.....

PLANNING APPLICATION FORM

1. Location of proposed development Ballinascooney, Co. Dublin.  
Postal address of Site or Building  
(if none, give description sufficient  
to identify and quote ordnance  
sheet reference)
2. Name of applicant Irish Aggregates, Ltd.,  
Address of applicant 39, Sundrive Road, Dublin 12.
3. State applicants interest in site  
(i.e. freehold, leasehold etc.) Owner
4. Name and address of person res-  
ponsible for preparation of plans O'Malley & Bergin,  
33, Fitzwilliam Place, Dublin 2.
5. Address to which notifications  
should be sent 33, Fitzwilliam Place, Dublin 2.
6. Brief description of proposed  
development including the purpose  
for which the lands (and/or  
buildings) are to be used. If for  
more than one purpose give details  
Asphalt and Ready-mix Concrete Plant.
7. Method of Drainage Incineration
8. Source of water supply Well
9. (a) Floor area of proposed development N/A sq. ft. (gross) (b) Area of site 121 Acres
10. Does the proposal involve:—  
(a) Demolition or partial demolition of any habitable house NO  
(b) Use otherwise than for human habitation of any habitable house NO
11. If application is in respect of a  
material change of use, state:  
(a) Present use(s) or use(s) when last used NO  
(b) Proposed use(s) (b)
12. List of documents enclosed with  
application  
(a) Drawing No. 225/1/2/3 Drg. No. CT222/A8  
(c) Drawing No. Ma7424/8 / 1A -2-3-4  
(d) Drg. No. F70-4922W  
(e) Good-Win Autobatch Asphalt Plants. (g) Planning application notice to be affixed on site:  
"APPLICATION TO PLANNING AUTHORITY"  
(f) "Destroilet" Dry Sanitary Toilet. Irish Aggregates, Ltd., are intending to apply for permission to erect an Asphalt and Ready-mix Concrete Plant.
14. Signature of applicant (or his agent) Ronald J. Bergin Date 10th June, 1974  
Ronald J. Bergin.

For Office use only:

Application type Domestic  
Date acknowledged  
Register Reference A-1292  
File Reference



DUBLIN COUNTY COUNCIL

TELEPHONE: 42951 (EXT. 131)

Planning Department,  
46-49 Dame Street,  
Dublin 2.

NOTIFICATION OF A DECISION TO REFUSE:  
~~OUTLINE PERMISSION~~; PERMISSION; ~~APPROVAL~~;  
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.

To: O'Malley & Bergin.....  
33, Fitzwilliam Place,  
Dublin, 2.

Register Reference No: G. 1292.  
Planning Control No: 13544  
Application received 10/6/74

APPLICANT: Irish Aggregates 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/2284/74 dated 9th August, 1974. decide to refuse:

~~OUTLINE PERMISSION~~      PERMISSION;      ~~APPROVAL~~

for Proposed asphalt and readymix concrete plant at Ballinaacorney Gap,  
Ballinaacorney Upper.  
for the following reasons:

1. The site is located in an area zoned high amenity open space in the Development Plan. The industrial development now proposed would be in conflict with this objective, would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.
2. The proposed development would be at variance with Condition No.13 of the decision to grant permission for a temporary period for quarrying purpose by Order No: P/353/74, dated 5th February, 1974.
3. The proposed industrial development would generate additional traffic movements on the adjoining sub-standard road network and would be likely to create serious traffic hazard by reason of the additional vehicle movements to and from the site.

Signed on behalf of the Dublin County Council: Mr. Harrington  
Date: 9th August, 1974.

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 should be addressed to the Secretary, (Planning Appeals Section), 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 permission as if it had been made to him in the first instance.

P.C. 13544: Proposed asphalt and readymix concrete plant at  
Ballinascorney Gap, Ballinascorney Upper, for Irish Aggregates Ltd.

O'Malley & Bergain,  
33, Fitzwilliam Place,  
Dublin, 2.

Reg.No: G. 1292.  
Application received: 10/6/74.

Report of the Dublin Planning Officer dated 9th August, 1974.

The application is for permission for the erection of an asphalt and readymix concrete plant at the existing Aggregates Quarry at the Ballinascorney Gap. The site is located in an area zoned high amenity open space in the Development Plan.

By Order No: P/363/74, dated 5/2/74 (Reg. D. 1082) a decision to grant permission for a temporary period of 5-years for the erection of quarry plant and ancillary buildings on a site of 24-acres in extent at Ballinascorney Gap, Ballinascorney Upper, was made by the Council. Condition 13 of this decision is as follows: "This permission excludes readymix concrete and asphalt preparation, production and operation on these lands. - In the interest of the proper planning and development of the area. A number of objections have been received from Local Residents, Local Associations, An Taisce and similar bodies. The Autobatch Asphalt plant, cement silo and bitchment storage tanks has already been erected on the site but are not in operation.

I recommend that permission be refused under the Local Government (Planning and Development) Act, 1963, for the following reasons:-

- (1) The site is located in an area zoned high amenity open space in the Development Plan. The industrial development now proposed would be in conflict with this objective, would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.
- (2) The proposed development would be at variance with Condition No. 13 of the decision to grant permission for a temporary period for quarrying purposes by order No: P/353/74, dated 5th February, 1974.
- (3) The proposed industrial development would generate additional traffic movements on the adjoining sub-standard road network and would be likely to create serious traffic hazard by reason of the additional vehicle movements to and from the site.

(GRH/RH)

J.K. Heane  
for Dublin Planning Officer

Endorsed: T. O'Keefe  
for Senior Administrative Officer

Order: Pursuant To Section 26 (1) of the Local Government (Planning and Development) Act, 1963, a decision to refuse permission for the above proposal is hereby made by the Council for the reasons set out above, and permission is refused accordingly.

Dated: 9th August, 1974.

J. Feely  
ASSISTANT CITY AND COUNTY MANAGER

to whom the appropriate powers have been delegated by order of the Dublin City and County Manager, dated the 6th August, 1974.

## Planning Application Decisions

G.1292

F.C.13544

19th August, 1974

O'Malley and Bergin,  
33 Fitzwilliam Place,  
Dublin 2.

RE: Proposed asphalt and ready-mix concrete  
plant at Ballinascorney Gap, Ballinascorney  
Dyke for Irish Aggregates Ltd.

A Chera;

I refer to notification of decision refusing permission  
in connection with the above, which was issued to you on  
the 9th August, 1974. In this connection I have to inform  
you that the order No. given - P/2384/74 should be  
P/2384/74. I should be obliged if you would make the  
necessary change on the notification received by you.

I apologise for any inconvenience caused.

Misc, 1c Meas,  
*M. Harrington*  
for Senior Administrative Officer.

DÁIRÍOIR ÉIRE CLIAIC  
(CORPORATION OF DUBLIN)



From the Director,  
ENGINEERING DEPARTMENT  
Home Office  
WATERWORKS SECTION,  
Barró Beamán an Chais,  
PISHAMBLE STREET,  
ACH CHIAH B,  
DUBLIN 8.

Chief Planning Officer,  
County Planning Office,  
46/49, Dame St.,  
Dublin, 2.

Y. 10711, Est. 21.

For reply please quote Our Ref. C.D.O./101/84

Your Ref.

14th August, 1974.

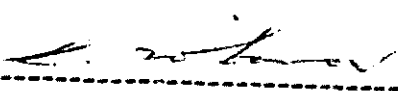
Re: P.C. 13544 Neg. Ref. G. 1292  
Asphalt and Readymix Concrete Plant for Irish Aggregates Ltd.  
at Ballinascorney, Tallaght, Co. Dublin.

Dear Sirs,

This Department would object to this proposal for the following reasons.

1. Since there is no public piped water supply in the area, water can only be obtained from a well or borehole. This could deprive us of water which we require for our storage reservoir at Bohernabreena.
2. The Ballinascorney catch channel is on the opposite side of the road to the quarry and could become polluted with cement and quarry dust. This water is used by a number of inhabitants in the area for drinking purposes and must remain unpolluted. There is also the danger of oil and water used for washing purposes finding its way into this feeder stream.
3. Because of the rocky nature of the site, effluent from the septic tank is almost certain to contaminate any springs or wells in the area in addition to the catch channel.
4. Our storage reservoir at Bohernabreena is fed from a variety of streams in this area and as this is one of the major sources of water for the Dublin area it must be protected against any risk of pollution.

Yours faithfully,

  
-----  
Engineer i.c. Waterworks Department.

EASTERN HEALTH BOARD.

No. I3544  
REG. REF.: G I292  
Proposed Asphalt and readymix  
          concrete plant  
          at Ballinascorney  
r: Irish Aggregates Ltd  
Plans lodged 10/6/74  
chitect \_\_\_\_\_

Observations and recommendations of Health Inspector  
and/or Supervising Health Inspector.

No public water supply or sewer

Proposed site is in a mountain area and has been worked as a  
quarry for some considerable time.

I examined site with Engineer. Septic tank drainage not possible.

Objections:

1. No evidence that the proposed incineration method of sewage disposal is effective or approved.
2. No evidence of compliance with Factories (Sanitary Accommodation) Regulations 1959.

T. O'Brien  
Health Inspector

Endorsed

*David Hibberd*  
For Supervising Health Inspector

Health Inspector.

**O'MALLEY & BERGIN**

**consulting engineers**

KIARAN P. O'MALLEY  
BE, CEng., MIEI, AMIHE, MIMun.E., MRTP.

33 FITZWILLIAM PLACE  
DUBLIN 2

RONALD J. BERGIN  
CEng., MIEI.

65624 & 61265

22nd August, 1974

The Secretary,  
Department of Local Government,  
(Planning Appeals Section),  
Custom House,  
DUBLIN 1.



Your Reference: PL 6/5/28409.

Re: Proposed Concrete and Asphalt Plant at  
Ballinascorney, for Irish Aggregates, Ltd.  
Register Reference No. G.1292. (APPEAL).

Dear Sir,

Further to our letter of the 12th inst., formally notifying your Department of my clients appeal in this instance, I submit herewith the detailed grounds of appeal in support of this application.

- (1). At the outset my clients wish to impress upon the Minister and other interested parties that they share the Planning Authority's, and indeed everyone's, concern that the carrying out of the proposed development will in no way interfere with the environment or cause any injury whatsoever to the area's amenities. We would stress that for all practical purposes the proposed plant will be entirely screened from view due to the unusually helpful topography of the location as indicated on the plans lodged and as may be confirmed readily from a site inspection.

As an example of my clients concern for environmental values, shortly after their acquisition of the premises in March, 1971, they doubled the height of the steep bank alongside the public road southwards from the existing quarry entrance to screen the quarry workings behind. This bank was carefully graded and seeded and the narrowest possible opening left in the quarry rim for access to it. In addition the flank walls at the recessed entrance were constructed from local masonry rubble walling to harmonise with the character of the area.

.../2

(2). NATURAL SCREENING:

Because of the unusually helpful topography it will not be possible to view the proposed plant the subject of this application from the public road system generally, except over a relatively short length of two infrequently trafficked culs-de-sac which open northwards off the Brittas Road just west of the Stone Cross. Apart from this it will also be possible to see part of the already approved crushing plant over a short distance either side of the entrance to the site.

Compared, for example, with the nearest comparable precedent, that of Messrs. Roadstone, Ltd. at Belgard, which is less unobtrusively positioned and is clearly visible over extensive lengths of the public road system, the proposed plant will, to all intents and purposes, be totally screened from public view.

(3). ZONING:

While the site of the Belgard Quarry is zoned agricultural in the County Development Plan and the appeal site is zoned "to preserve an area of high amenity" the "use of zone" as set out at Page 42 of the County Plan is primarily agricultural use in both instances. The granting of permission therefore in either instance would have an equal impact on the primarily agricultural use aspect of the zoning and while it is accepted that a high amenity area location may generally make the siting of such plants potentially more difficult, it is submitted in this instance that this will not be so due to the topography of the site. A number of the Conditions in Messrs. Roadstone's permission for their Belgard plant insist on landscaping arrangements to screen it from public view. Because of the relatively flat topography of that site it is obvious that it would be extremely difficult to achieve any real impact in relation to tall plant structures in particular, yet in the case of the appeal site this is already naturally achieved by the plant being located within the bowl of the hillside, totally secluded from view. The potential amenity difficulties therefore of a high amenity location vis-a-vis an agricultural zoning are more than compensated for by the natural topographical advantages of the appeal site. It follows therefore in my clients view that since Messrs. Roadstone, Ltd. obtained permission from both the Local Authority (12th January, 1971) and from the Minister on the 28th April, 1972, that permission cannot reasonably be refused in this instance either.

On the reduced scale copies of Drawings Nos. 1 and 2 the subject of this appeal are marked the various facilities for which (full) permission was granted by Dublin County Council in February, 1974 (copy decision herewith) for the extracting and crushing of rock at this location. The various plants involved are coloured yellow on the drawings and it will be obvious from a study of these drawings that permission already exists

for much more extensive and taller plant than that the subject of this appeal. From the visual amenity point of view therefore it will be apparent that the impact of the proposed asphalt and concrete plants will be far less than that of the other plants in relation to which permission was granted last February. It is our submission that, because of the topography, the impact will in fact be virtually nil.

At Page 7 of the County Development Plan it states that "unless land use in a particular area is stated to be solely one use, applications for uses which would not inhibit the primary use may be considered". Clearly the Local Authority, for example, in their decision in relation to the Belgard development were of the view that while the proposed development was not of an agricultural nature that it would be unreasonable to refuse permission for it and accordingly permission was in fact granted. Apart from the dissimilarity in scale between the Belgard development and my clients, we would argue that in this case this development which comprises only a fraction of the total development at this location may be approved without in any way impinging upon the entirely understandable objectives of the Planning Authority generally for the area which is to preserve it as an area of high amenity and to further the general aspirations of agricultural development within it.

(4). TRAFFIC:

While the existing road to Tallaght is less than adequate, it nevertheless is currently being improved. In any event it requires improvement to take the ever-increasing weekend recreational and tourist traffic movements. Present improvements include new kerbing and footpaths at Bohernabreena, alignment improvements in the vicinity of Ballinascorney Golf Club and extensive widening, particularly from the quarry entrance to Ballinascorney Golf Club, which are under construction at present.

While my clients are not the only persons utilising this road, they have already contributed in excess of 50% of the cost of acquiring lands for widening purposes from the quarry entrance to the Rathfarnham Golf Club. In addition they have provided, free of charge, and have undertaken to provide free of charge substantial quantities of filling required for the embankment needed to widen the road adequately in the side-long hill topography. While the exact quantity of fill involved has not been computed, my clients contribution in monetary terms would run to several thousand pounds.

Apart from Messrs. Irish Aggregates, Ltd., Messrs. Roadstone, Ltd. operate a sand and gravel pit a couple of miles further south at Brittas and a Mr. Tracey extracts stone from a quarry about a mile south of this site.

This is an important recreational route, mostly at the weekends and in the Summer and requires improvement whether or not permission is granted for the development the subject of this appeal.

On foot of the permission granted for the extraction and crushing of rock by Dublin County Council in February, 1974, traffic would be generated from the appeal site. The only difference in traffic volumes arising in the event of this proposal being permitted on appeal would be that sand, cement and asphalt binder would be drawn to the site so that portion of the quarry output would consequently leave the site as readymix concrete or asphalt rather than as broken stone solely. The increase in total tonnage will be minimal and, I am informed, that most large quarries have asphalt and concrete plants in any event. Examples in the Dublin district generally include Allen Quarry, Co. Kildare, Feltrim, Belgard, and Huntstown, Co., Dublin.

(5). AMENITIES:

Only the most modern equipment is being installed. Because the plant is located in a saucer-shape in the hillside the effects of wind in relation to the propagation of dust is minimal. All normal modern precautions in relation to dust are being observed and my clients are agreeable to the imposition of any Conditions by the Minister in relation to this matter. In relation to vibration and blasting, vibrograph tests were carried out on the second nearest dwelling downhill of the quarry on the Boherbreena-Brittias Road. The nearest dwelling is in fact slightly closer to it. A copy of the report on the vibrograph test carried out by Irish Industrial Explosives, Ltd. dated 10th July, 1974, is enclosed herewith for the Minister's assistance. The results show that the effects of blasting are absolutely minimal and well within acceptable standards. These results indicate that absolutely no damage or discomfort or disamenity will arise from the proposed development and of course the very absence of dwellings in the general vicinity primarily on account of the elevation of the site (approximately 1,000 feet O.D.) minimises greatly the total potential impact of such an activity. In any event the asphalt and concrete plants which are the subject of this appeal have no such problem. These vibrograph results are therefore submitted to indicate our concern for our neighbours and not because such problems will arise from a concrete or asphalt plant.

As far as we are aware there were no objections raised against the application the subject of the grant of permission of last February and certainly there were no appeals against the Local Authority's decision of that date.

11.6/5/284 9

G.1292

9th September, 1974.

The Secretary,  
Department of Local Government,  
Planning Appeals Section,  
Custom House,  
Dublin 1.

A Chera,

I refer to your letter of the 4th September, 1974  
in connection with the planning appeal of Irish  
Aggregates. I enclose herewith as requested  
relevant documents in connection with Manager's  
Order P/353/74 dated 5th February, 1974.

Mise, le Mans,

*M. Harrington*  
for Senior Administrative Officer *B*

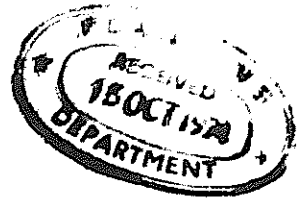
DEPARTMENT OF LOCAL GOVERNMENT  
CUSTOM HOUSE  
DUBLIN 1

ROINN RIALTAIS ÁRTHUI  
TEACH AN CHUSTAIM  
BAILE ÁTHA CLIATH 1

*Mr Keating / Mr Galvin*

TELEPHONE 42811  
The Secretary  
Dublin Co. Council  
Planning Dept.  
46-49, Dame St.  
Dublin 2.

*PC 13544  
G1292*



PL. 6/5/28409  
P.A. 17(a)

11 Deireán Fómhair, 1974,

Planning Appeal re: Asphalt and Readymix Concrete Plant at Ballinascoreney Gap, Ballinascoreney Upper, for Irish Aggregates Limited.

A Chara,

I am directed by the Minister for Local Government to refer to previous correspondence in relation to the planning appeal mentioned above and to state that arrangements have now been made for the holding of an oral hearing of the appeal.

The hearing will be held on Tuesday the 5th of November, in the County Council Chambers, 11 Parnell Square, Dublin 1. The hearing will commence at 10.30 a.m.

It is open to you/your clients if you/they wish to be present or to be represented at the hearing.

Mise, le meas,  
*a. Farley*

To: Dublin Planning Officer.

FORM DH 1.(A)

ORAL HEARING OF PLANNING APPEAL.

Proposal: Asphalt and readymix concrete plant at Ballinascorney Gap, Ballinascorney Upper.

Applicant: Irish Aggregates Ltd.

I wish to confirm that an Oral Hearing of the above appeal has been arranged as hereunder:-

Date: Tuesday, 5th November, 1974

Place: County Council Chamber, 11 Parnell Square.

Time: 10.30 a.m.

I should be glad if you would indicate the Departments which you wish to have represented at the Hearing.

*Paul H. Keating*  
FOR SENIOR ADMINISTRATIVE OFFICER.

FORM D.H.1 (B)

To: Senior Administrative Officer.

At the Oral Hearing listed above, I wish to have the following Departments represented:-

- |                              |                                     |                                   |                          |
|------------------------------|-------------------------------------|-----------------------------------|--------------------------|
| (1) Co. Solicitor's Dept.... | <input type="checkbox"/>            | (5) Fire Officer's Dept....       | <input type="checkbox"/> |
| (2) Roads Dept.....          | <input checked="" type="checkbox"/> | (6) Parks Dept.....               | <input type="checkbox"/> |
| (3) Sanitary Services Dept.. | <input checked="" type="checkbox"/> | (7) Development Plan Section..... | <input type="checkbox"/> |
| (4) Eastern Health Board.... | <input checked="" type="checkbox"/> |                                   |                          |

*[Signature]*  
DUBLIN PLANNING OFFICER.

*18/10/74*

*File 847*

FORM OH 1.

Planning Department,  
46/59 Dams Street.

Date: 22nd October 1974

RE: Oral Hearing on Planning Appeal.  
Asphalt and readymix concrete plant at Ballinascorney Gap,  
Ballinascorney Upper for Irish Aggregates Ltd.  
I enclose copy of official notification of the holding of an  
oral hearing on the above-named planning appeal. The hearing  
has been arranged for:

Tuesday, 5th November, 1974 in the Council Chamber, 11 Parnell  
Square at 10.30 a.m.

The necessary documentation shall be forwarded to you within  
the next few days.

*Mrs M. Keating*  
FOR SENIOR ADMINISTRATIVE OFFICER

DEPARTMENT OF LOCAL GOVERNMENT

CUSTOM HOUSE

DUBLIN 1

ROINN BIALTAIS AITHRE

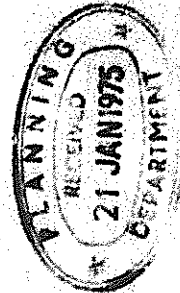
TEACH AN CHONTAR

BAILI ATHA CLIATH I

TELEPHONE 4231

*The Secretary,  
Dublin Co. Cl.,  
Planning Dept.,  
46-49 Dame St.,  
Dublin 2*

*Mrs Keatinge*



PL. 6/5/28409  
*from ref. 1292*  
204 Bannair, 1975

Appeal regarding establishment of an Asphalt and Readymix Plant at Ballinascorney, County Dublin for Irish Aggregates Limited.

A Chara / ~~A Chairde~~,

I am directed by the Minister for Local Government to inform you that an order has now been made determining the above-mentioned appeal under the Local Government (Planning and Development) Act, 1963. ~~A Copy~~ of the order ~~is~~ attached.

Mise, le meas,

*A. Finlay*



## COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

P.C.13544, Proposed asphalt and readymix plant at Ballinascorney Gap, Ballinascorney Upper for Irish Aggregates Ltd.  
 By order P/2384/74 dated 9th August, 1974, permission was refused for the above proposal. On appeal the Parliamentary Secretary to the Minister for Local Government made the following order on the 17th day of January, 1975:-

Fl. 6/5/28103

ROINN SIARDAI (TUIOIL)LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

County Dublin

Planning Register Reference Number: G. 1392

**APPEAL** by Irish Aggregates Limited of 39 Sundrive Road, Dublin, against the decision made on the 9th day of August, 1974, by the Council of the County of Dublin deciding to refuse a permission for the establishment of an asphalt and readymix concrete plant at Ballinascorney Gap, Ballinascorney Upper, County Dublin, in accordance with plans and particulars lodged with the said Council:

**DECISION:** Pursuant to subsections (5) and (9) of section 26 of the Local Government (Planning and Development) Act, 1963, and after consideration of the report of the person who conducted an oral hearing of the said appeal, it is hereby decided to grant permission for the establishment of the said asphalt and readymix concrete plant in accordance with the said plans and particulars, subject to the conditions specified in column 1 of the Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Schedule and the said permission is hereby granted subject to the said conditions.

SCHEDULE

SEE NEXT PAGE.

PL. 6/5/20109

ROINN STAIRIÚ (TITLE)

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

County Dublin

Planning Register Reference Number: D. 1082

K13 SH4

SRH

APPEAL by Irish Aggregates Limited of 39 Sundrive Road, Dublin, against the decision made on the 9th day of August, 1974, by the Council of the County of Dublin deciding to refuse a permission for the establishment of an asphalt and ready-mix concrete plant at Ballinascooney Gap, Ballinascooney Upper, County Dublin, in accordance with plans and particulars lodged with the said Council:

**DECISION:** Pursuant to subsections (5) and (9) of section 26 of the Local Government (Planning and Development) Act, 1963, and after consideration of the report of the person who conducted an oral hearing of the said appeal, it is hereby decided to grant permission for the establishment of the said asphalt and ready-mix concrete plant in accordance with the said plans and particulars, subject to the conditions specified in column 1 of the Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Schedule and the said permission is hereby granted subject to the said conditions.

SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>1. The asphalt and ready-mix concrete plant shall not be put into operation until:-</p> <p>(a) the conditions numbered 5, 6, 7, 9 and 11 imposed by the planning authority in their decision dated the 5th February, 1974, deciding to grant permission for quarry plant and ancillary buildings (Register Number D. 1082) have been fully implemented;</p> <p>(b) the working floor or surface of the site has been hard-surfaced and finished to fall;</p> <p>(c) schemes for (i) the disposal of all surface water (including the provision of a settlement tank);</p> <p>(ii) the disposal of sewage originating from the existing and proposed development and</p> <p>(iii) the provision of an adequate water supply to serve the existing and proposed development, have been carried out. The said services shall be provided in accordance with detailed plans to be submitted to and agreed with the planning</p>	<p>1 (a) Compliance with these conditions without further delay is considered essential in the interests of the amenities of the area and of road safety in the vicinity.</p> <p>(b) To provide a suitable working surface and to facilitate the proper disposal of surface water.</p> <p>(c) (i) to provide for the satisfactory disposal of surface water and other waste liquids originating from the development in such a way that watercourses in the vicinity are not polluted;</p> <p>(ii) and (iii) in the interests of public health.</p>

SCHEMATS (Continued)

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>authority or, in the absence of agreement, shall be provided as determined by the Minister for Local Government.</p> <p>2. Emissions of dust or noxious gases from the plant shall be controlled and monitored in accordance with a scheme to be submitted to and agreed with the said authority or, in the absence of agreement, as may be determined by the said Minister.</p> <p>3. The surface water and sewage disposal systems shall be satisfactorily maintained at all times.</p> <p>4. Rusty material being transported to or from the site shall be carried in sealed tankers or coated vehicles.</p> <p>5. Facilities for wheel washing of vehicles shall be provided on the site.</p> <p>6. The asphalt and ready-mix concrete plant shall be removed from the site on or before the 28th February, 1979, unless, before that date, permission for its retention is granted by the planning authority or by the Minister for Local Government on appeal.</p>	<p>2. To control air pollution.</p> <p>3. To ensure that proper precautions are taken at all times to prevent pollution arising from the surface water system and to ensure that the amenity of the area is not injured or public health endangered by such pollution or by the effluent from the sewage disposal system.</p> <p>4. To ensure that the transportation of such materials does not cause nuisance or injury to amenity.</p> <p>5. To ensure that vehicles leaving the site do not carry materials which, when shed on to the public road, would render it dangerous or unsightly.</p> <p>6. It is considered necessary that this permission should be subject to a time limitation similar to that affecting the quarrying operations on the site, so that the position about the overall development can be reviewed in due course, with particular reference to the effects of the development on the amenities of the area.</p>

GAIL BEEBLEY

Parliamentary Secretary to the Minister for Local Government to whom the relevant powers and duties of the said Minister under the Local Government (Planning and Development) Act, 1963 are delegated by the Local Government (Delegation of Ministerial Functions) (No. 2) Order, 1973.

Dated this <sup>11<sup>th</sup></sup> day of January 1973.

**O'MALLEY & BERGIN**

**consulting engineers**

KIARAN P. O'MALLEY  
BE, CEng., MEI., AMIHE., MIM., M.Eng., MRTPI.

33 FITZWILLIAM PLACE  
DUBLIN 2

RONALD J. BERGIN  
CEng., AMEI.

65624 & 61265

7th August, 1974

Dublin Planning Officer,  
Dublin County Council,  
46-49, Dame Street,  
DUBLIN 2.

*called Mr. R. ...  
7/8/74. Mr. Coim ...  
... they*

*seen by me and informed  
that I would ...  
they said*

Re: Proposed Concrete and Asphalt Plants at  
Ballinascorney for Irish Aggregates, Ltd.  
Register Reference No. G.1292 Lodged 10th June, 1974.

Dear Sir,

With reference to the above planning application made on behalf of my clients, I put forward hereunder for your consideration the following points in support of their application. For the avoidance of doubt this letter does not form part of the planning application but sets out a number of points which my clients feel are important for the Planning Authority's consideration prior to making a decision thereon.

- (1) My clients, Messrs. Irish Aggregates, Ltd. share the Planning Authority's and everyone else's concern that the carrying out of the proposed development will in no way interfere with the environment or cause any injury whatsoever to the amenities of the district. It is stressed that the proposed plant will be entirely screened from public view due to the unusually favourable topography at the site as indicated on the plans lodged.

My clients purchased this premises in March, 1971, and soon afterwards doubled the height of the bank which runs parallel to the public road southwards from the existing entrance gate to form a screen to the workings behind. This bank was carefully graded and seeded and the narrowest possible opening left in the rim of the quarry for vehicular and pedestrian access to it. In addition the flank walls at the recessed entrance were constructed from local masonry rubble walling to blend with the character of the area.

Because of the unusually favourable topography it will never be possible to view the plant from the public road. Also the plant will be completely

screened from other external viewing points with the exception, of course, of a few yards either side of the existing entrance to the quarry.

Compared with, for example, the Roadstone complex at Belgard which is obviously much more obtrusively positioned and can be viewed for miles around, this plant will, to all intents and purposes, be invisible. While the Belgard site is zoned agricultural and this site is zoned Q "to preserve an area of high amenity" the use of zone as set out at Page 42 of the County Plan is primarily "agricultural use" in both instances. In addition the Belgard plant has an output of approximately four to five times that of this site and it is located between two proposed new towns of 100,000 population each, namely Tallaght and Clondalkin. Yet Messrs. Roadstone, Ltd. obtained permission from both the Local Authority on the 12th January, 1971, (copy decision herewith) and from the Minister on the 28th April, 1972 (copy permission herewith).

- (2). Irish Aggregates will agree to the imposition by the Planning Authority of the most stringent conditions in relation to the control of sources of potential pollution or undertake to carry out any other works reasonably required to protect the environment fully. In a separate document supplementary proposals in relation to dust control and the emission of SO<sub>2</sub> are indicated.
- (3). Neither of the plants emit any appreciable noise and my clients confirm that they are perfectly willing to the imposition by the Council of conditions limiting the noise level on the periphery of the site to values similar to those imposed at Condition No.7 of the Minister's decision in relation to the Belgard quarry.
- (4). ROAD IMPROVEMENTS:

My clients have already contributed approximately 50% of the cost of acquiring lands from the quarry entrance to Rathfarnham Golf Club for the purpose of widening the road and in addition provided material for filling the steep side embankment to provide a formation for the road widening currently being carried out. There must be thousands of cubic yards of fill involved, yet despite the fact that Irish Aggregates, Ltd. are not the only firm involved in extractive industry in this vicinity (Messrs. Roadstone, Ltd. operate sand and gravel pits at Brittas and Mr. Tracey has a quarry about a mile south of the site), this fill has been provided entirely free of charge to the County Council.

- (5). Permission was granted in February, 1974, for the extraction and crushing of rock and this proposal would seek to concentrate two analagous operations, namely asphalt and concrete manufacturer, with the already approved crushing operation which produces the raw material for both. Aggregates will be despatched from the site in any event on foot of the February, 1974, permission and the only difference involved would be that sand, cement and binder would be added to it so that portion of the output will leave the site as readymix concrete or asphalt rather than as broken stone. The increase in total tonnage will be minimal. I am informed that no large quarry in operation in the State is without asphalt and concrete plant.
- (6). While the existing road to Tallaght is perhaps not ideal it is being widened and requires improvement in any event to take ever-increasing weekend and tourist traffic movements. It's also downhill to Tallaght, the first and most rapidly expanding of the three new western towns. Because transport costs are a large proportion of total costs in providing building materials, the proximity and the downhill run to Tallaght permit important economics to be made in the cost of materials.
- (7). I am informed that the quarry has been in operation since the 1920's and was worked at one stage by the Local Authority itself. Apart from the existing use rights down through the years, the terms and the conditions of the permission granted in 1974 are being complied with. In addition vibrograph tests were carried out on the nearest dwelling to the quarry which is a quarter of a mile downhill of it on two occasions to monitor the effect of blasting. The results which are to hand indicate that absolutely no damage or discomfort arises from such source and of course the very absence of dwellings in the general vicinity, because of the elevation of the site (approximately 1,000 ft. O.D.) minimises greatly the total potential impact of such an activity. In any event the operations the subject of this application have no such problems. As far as we are aware there were no objections raised against the grant of February last and certainly there were no appeals against the Local Authority's decision to grant.
- (8). We can confirm of course that there will be no liquid trade effluent from the plant and my clients will insist on the highest possible standards in relation to the gaseous emissions (if any) from the plant.

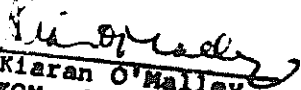
The only policy statement in the Development Plan in relation to extractive industry comprises five lines on Page 15 of the Plan. The rock quarried in this case has a high polished stone value and other very attractive properties and is, I understand, a most suitable aggregate. Such material is scarce and difficult to find and must be worked where it occurs. It is a valuable deposit of the kind referred to in the County Plan and it would be obvious from the absence of housing in the general vicinity of this elevated site that the stretch of works will in no way be detrimental to existing or designated adjoining residential areas.

- (9). While the approved crushing plant will be 80 ft. high the asphalt plant will be between 60 ft. and 70 ft. high.

At Page 7 of the Development Plan it states that "unless land use in a particular area is stated to be solely one use, applications for uses which would not inhibit the primary use may be considered". Clearly in their decision in relation to the Belgard quarry the Planning Authority were of the view that while the proposed Roadstone development was not of an agricultural nature that it would be unreasonable to refuse permission for it so that accordingly permission was in fact granted. Similarly my clients would argue in this case that the development may be approved without in any way impinging upon the laudable objective for the area generally which is to preserve an area of high amenity.

- (10). The Planning Authority is requested therefore to afford this application favourable consideration and grant the permission urgently required in this case.

Yours faithfully,

  
Kieran O'Malley.  
KOM:ef.

LANDSCAPING WORKS  
BALLINASCORNEY QUARRY  
IRISH AGGREGATES LTD.,

BRADY, SHIPMAN AND MARTIN,  
LANDSCAPE ARCHITECTS,  
26, TEMPLE ROAD, DARTRY,  
DUBLIN 6. JAN. 1975.

IRISH AGGREGATES LTD.,

BALLINASCORNEY QUARRY - LANDSCAPE REINSTATEMENT.

1. INTRODUCTION

This report should be read in conjunction with drawings nos. 215L :1C and 215 L :2C.

The following is an outline of the landscape reinstatement policy for the quarry at Ballinascorney Gap, Co. Dublin. The proposals have been based upon a visual appraisal of the quarry in its landscape setting and the amount of tipped material on site. A very approximate estimate of the latter is 26,000 cubic yards.

2. OBJECTIVES.

- a) Sketch 6 ( drawing no. 215L:1C) indicates the few points from which the site is clearly visible. The most vulnerable area is the main skyline ridge which is visible from the Dublin-Brittas Road. This skyline should be treated with care and not broken unnecessarily by addition or extraction of material.
- b) The visual impact of the exposed rock face should be minimized wherever possible.
- c) Loss of vegetation and natural appearance where stripping and tipping occurs to be reinstated. Where tips are readily viewed from public roads and major view points the material should be re-graded sympathetically to existing land forms.
- d) The "cluttered" and adverse appearance of the road entrance, with its parked cars and exposed soil embankments should be improved and reflect its location on this important part of the road through the Gap.
- e) Any planting of trees and shrubs should be capable of withstanding the extreme exposure of the site.

3. PROPOSALS

- f) Since the quantity and location of tipped material is the major problem, its re-grading will be undertaken according to a pre determined plan to form screening mounds. Sufficient height of mounding will be achieved to screen the quarry buildings as in sketches 1 and 2.
- g) Much of the existing local vegetation is self propagating and some of the indigenous species will inevitably colonize re-graded bare slopes. Satisfactory ground cover will, however, be provided by a sown grass mixture capable of giving satisfactory cover within two years.
- h) Furze and hawthorn, two indigenous shrubs will establish in the shelter provided by new mounding. These plants will soften the slopes and bring the eye forward, lessening the impact of the quarry workings beyond, as in sketches 2 and 3.

- i) Large rocks, chosen at the discretion of the quarry owners, will be placed in a prominent position near the road. These will be a good visual feature and will help create a rocky character for the area, as in sketches 3 and 4.
- j) The entrance will be formalised by the construction of solid stone edgings. Large trees can be planted here, in the shelter of the embankment, and will screen and soften the entrance area. The existing "car park" area will be re-banked, topsoiled and shrub-planted as shown in sketch 5.
- k) The sky-line will be preserved and existing tipped material be removed. Future quarrying should not disturb this sky-line, which is a major contribution to the landscape south of Dublin as seen in sketch 6.

#### 4. PHASING

It is our intention to carry out landscape work in three phases as follows:

Phase 1: Re-distribution and grading of existing tips into mounds generally 10 feet high above the existing ground level.

This work will be undertaken directly by the firm with a full time employee being instructed in the work and trained to assume responsibilities for future work.

This work should be completed during April 1975, with topsoiling and seeding following as soon as weather conditions permit.

Phase 2: Positioning of rocks, shrub and tree planting, together with the construction of kerbs, banks and associated seeding at the road entrance.

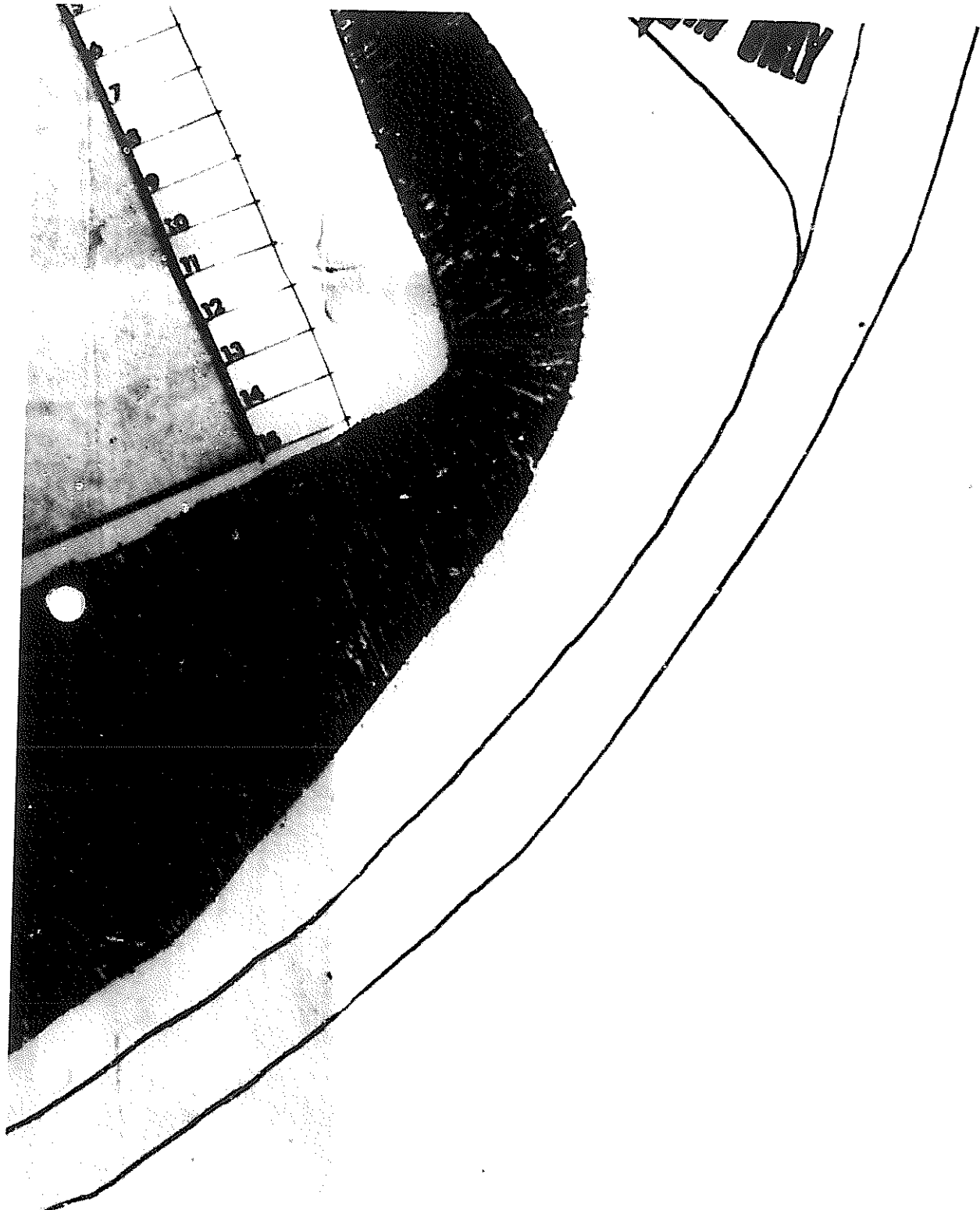
The timing of this work will be largely determined by the programme of road widening currently being undertaken by the County Council

Phase 3: Secondary mounding of subsequent spoil from future stripping, and its seeding and planting.

#### 5. PLANTING SCHEDULE

Recommended grass-mixture to be sown at one oz. per sq.yd. on a minimum of 2" of topsoil. Seeding to be done during Autumn or in early Spring.

Lolium perenne S 23	-	50%
Pleum pratense (Catstail)	-	20%
Festuca rubra	-	20%
Poa trivialis.	-	10%



**PROPOSED SITE LAYOUT**

**quarry development  
at  
ballinascorney, co.dublin  
for  
irish aggregates ltd**

**KIARAN P. O'MALLEY BE. CEng. MIEI. AMIHE. MIMunE. MRTPI.  
CHARTERED ENGINEER & PLANNING CONSULTANT**

**33 FITZWILLIAM PLACE, DUBLIN 2. 61265/65624**



scale 1 / 250	date dec '73	job no./drwg.no. 225 / 1 'a'
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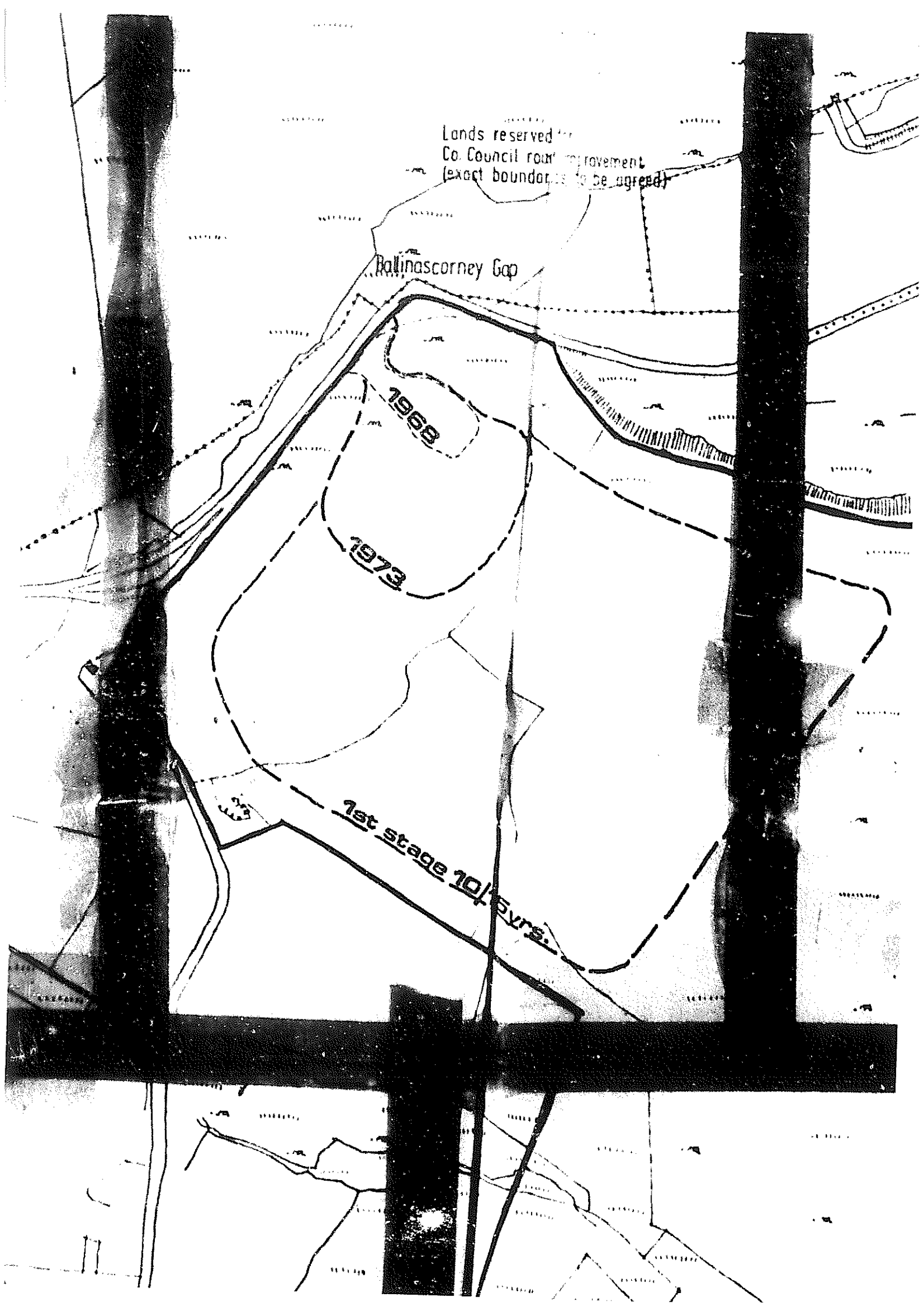
Lands reserved for  
Co. Council road improvement  
(exact boundaries to be agreed)

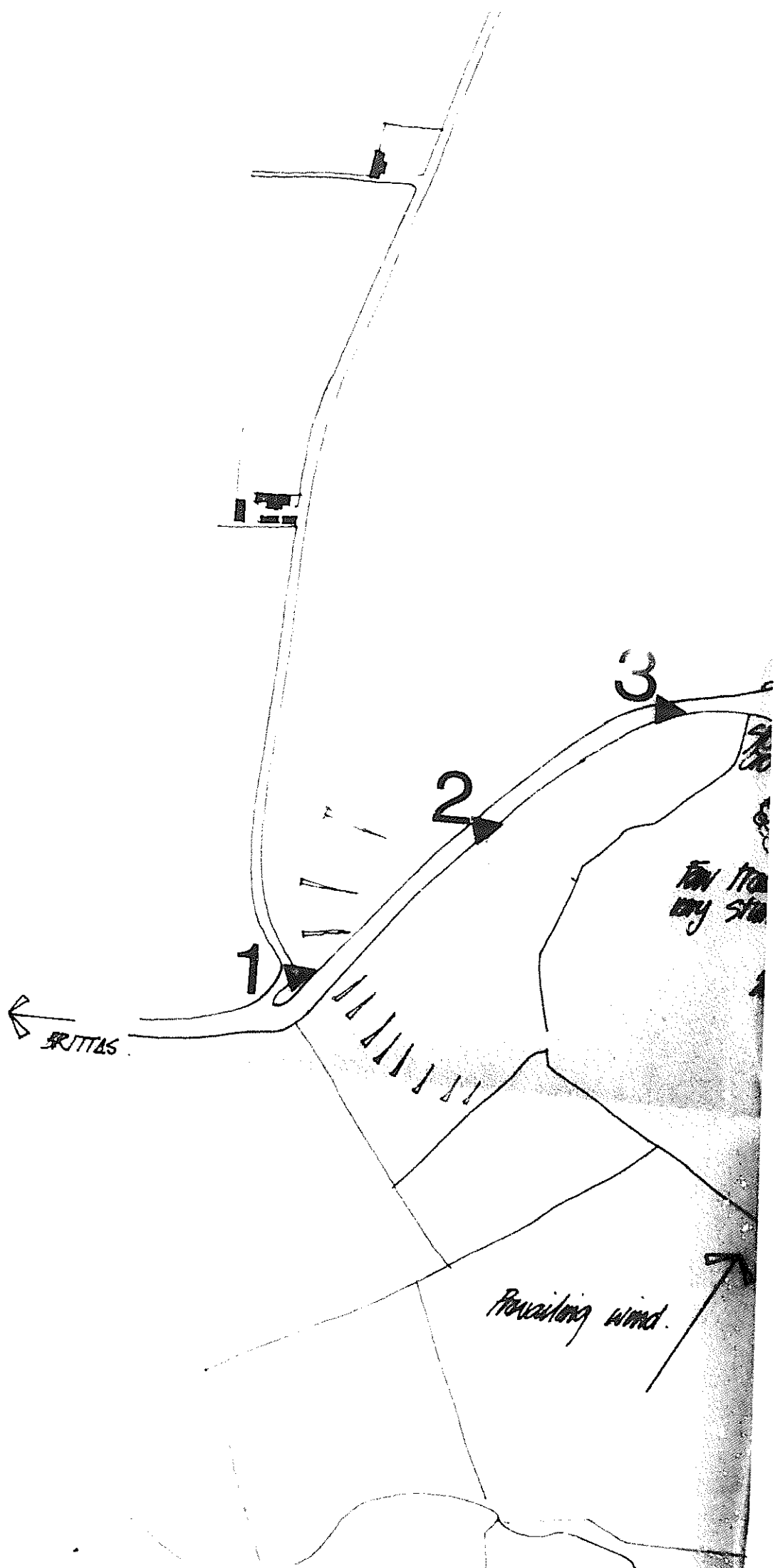
Rallinascorney Gap

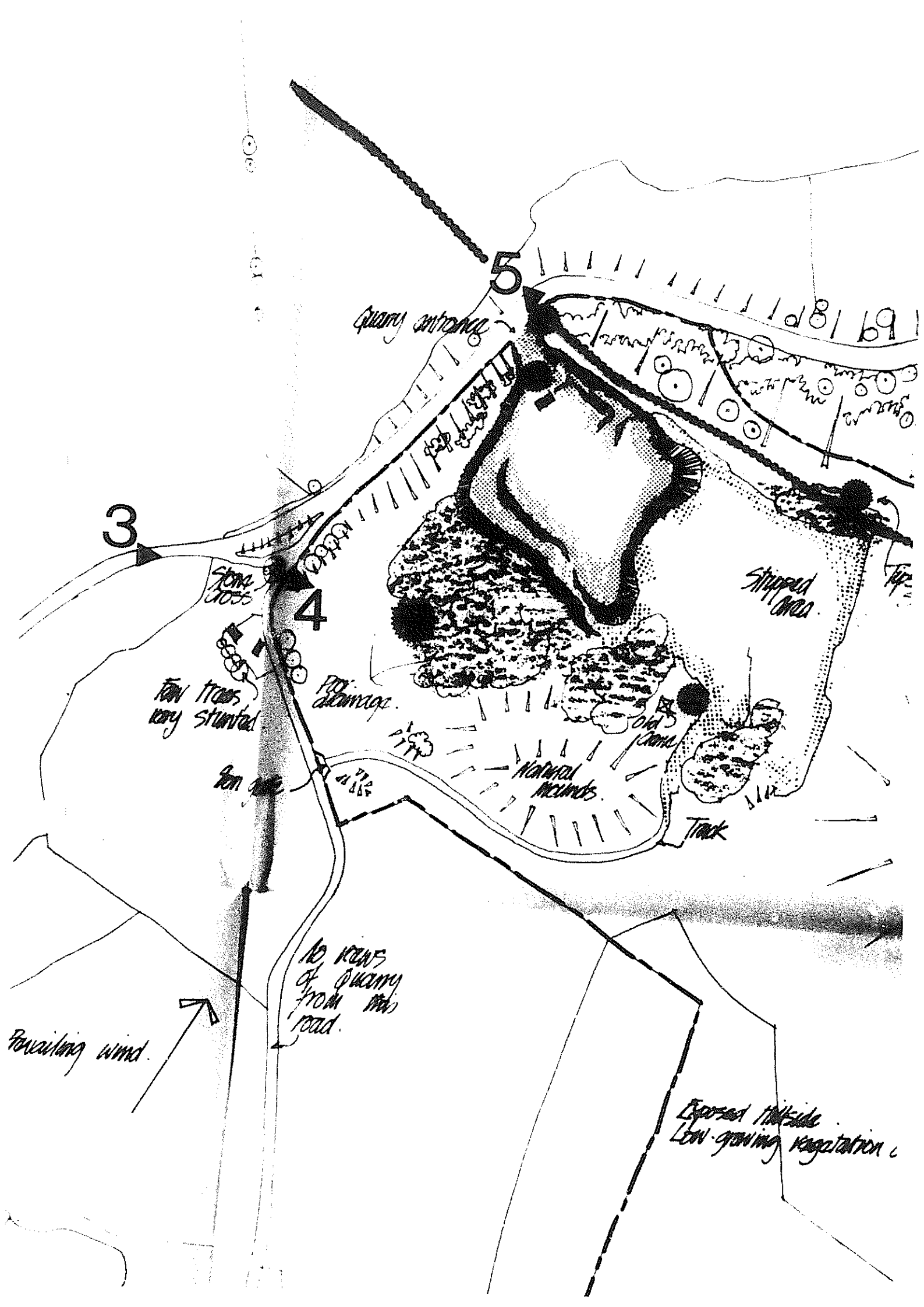
1968

1973

1st stage 10/5yrs.







Quarry entrance

3

Stone cross

few trees very stunted

Rail

Rail

no trees of quarry from this road.

5

4

Narrowed meadows

old stone

Track

Shipped area

Prevailing wind

Exposed hillside  
Low-growing vegetation



E

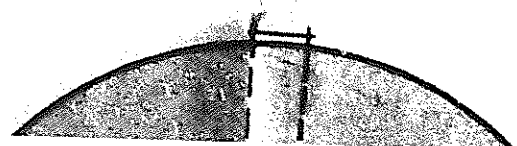
A

30  
©



PRESENT QUARRY-

© 26



319-34

CRS

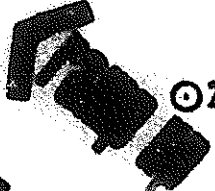
16 17 18 19 20

255' Ⓞ



Ⓞ261

retaining wall [existing]

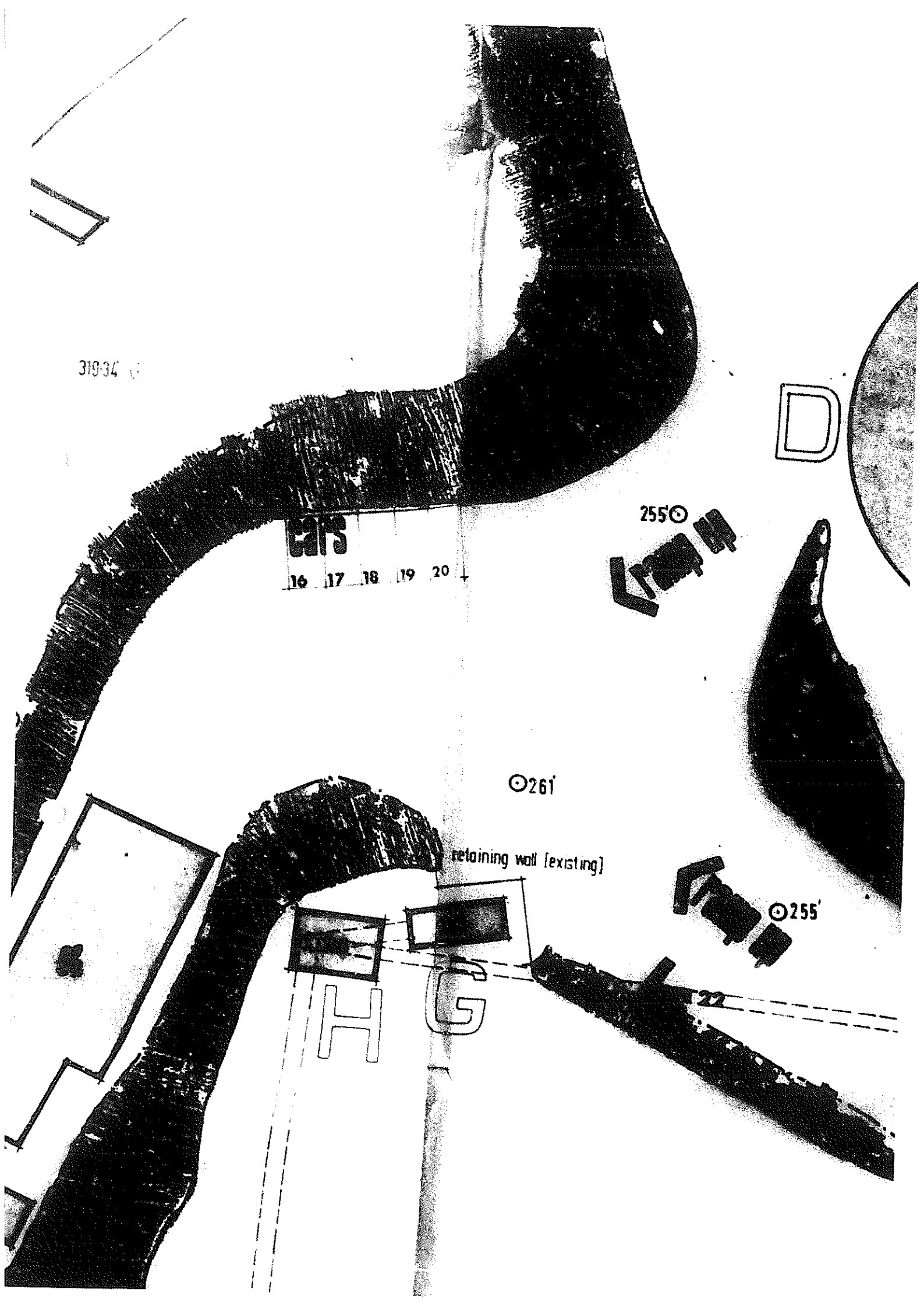


Ⓞ255'



H G

22



261

retaining wall [existing]

255

22

25

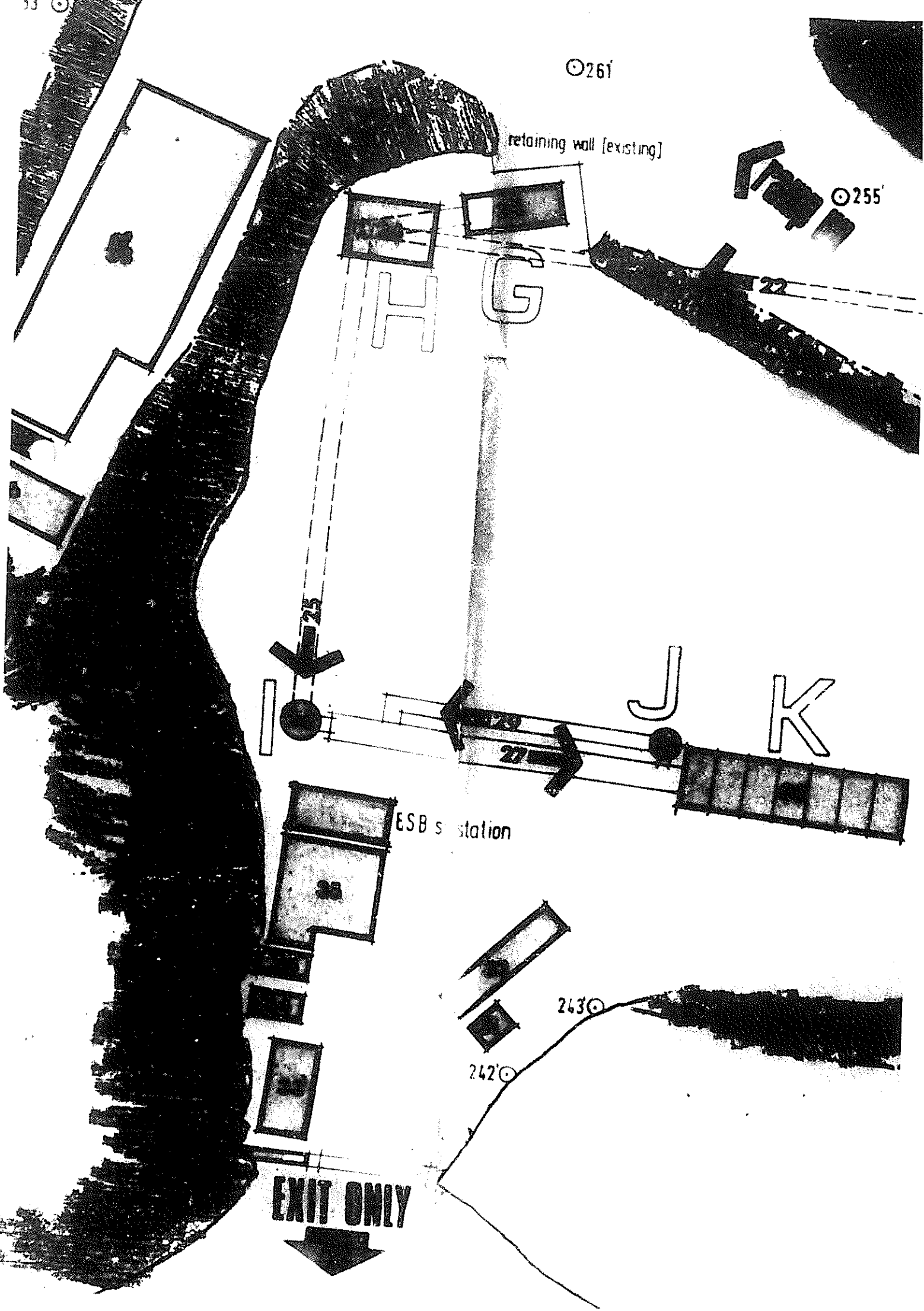
27

ESB station

243

242

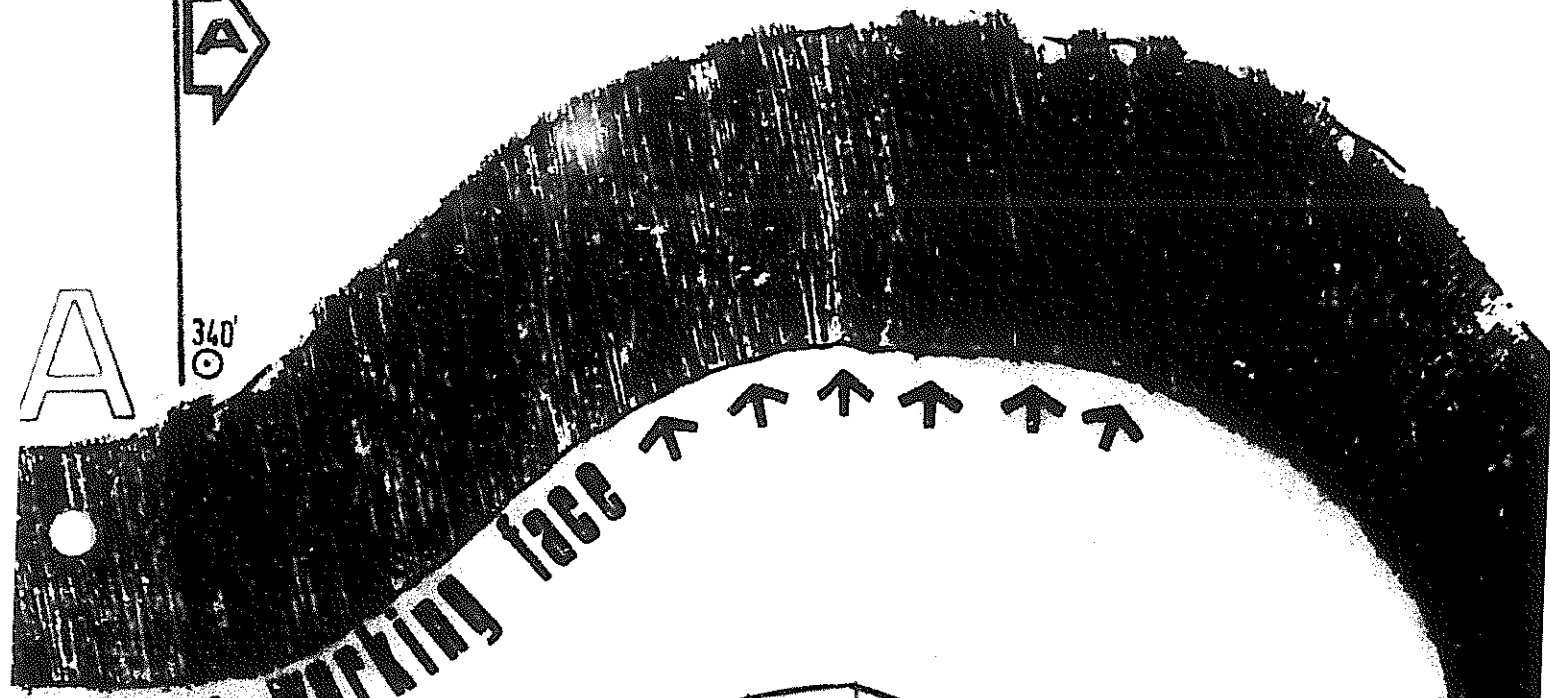
EXIT ONLY





A

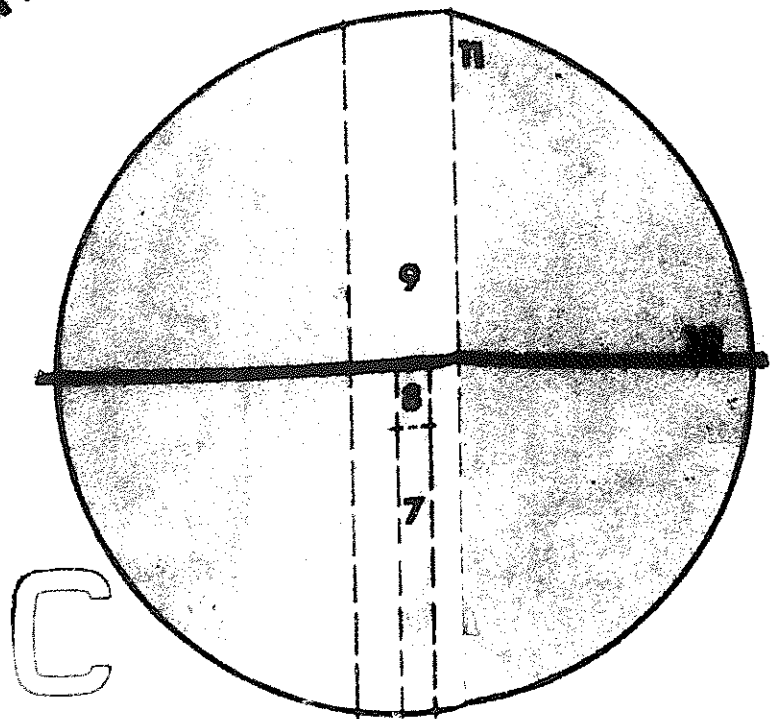
340'



quarry-working face



260'



C



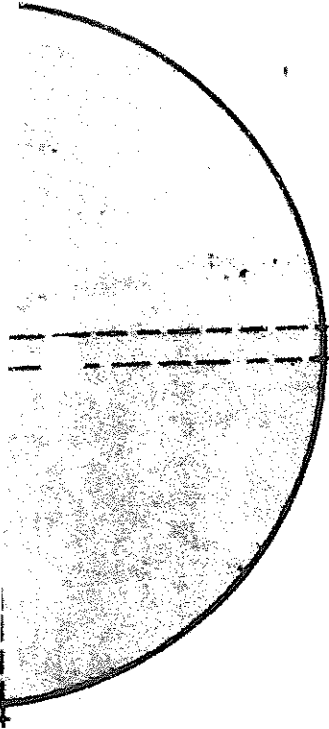
6



ROAD

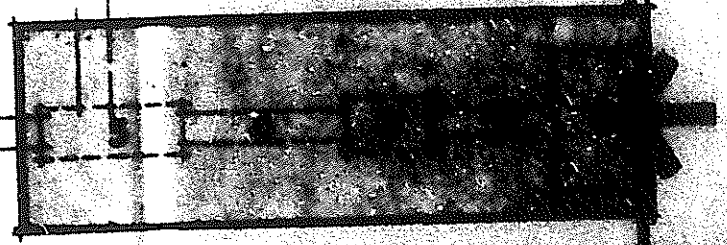
RAIL





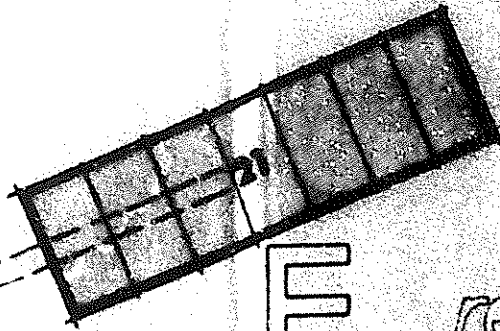
B

r.c. retaining wall  
[proposed]



r.c. retaining wall  
[proposed]

present quarry  
face

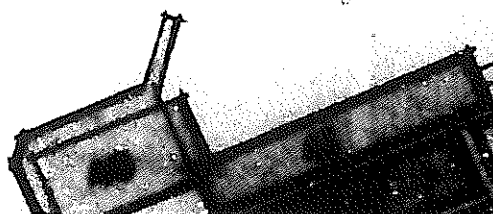


F

readymix  
conc. plant



asphalt  
plant

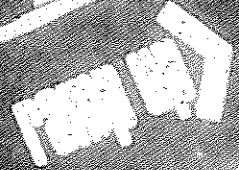
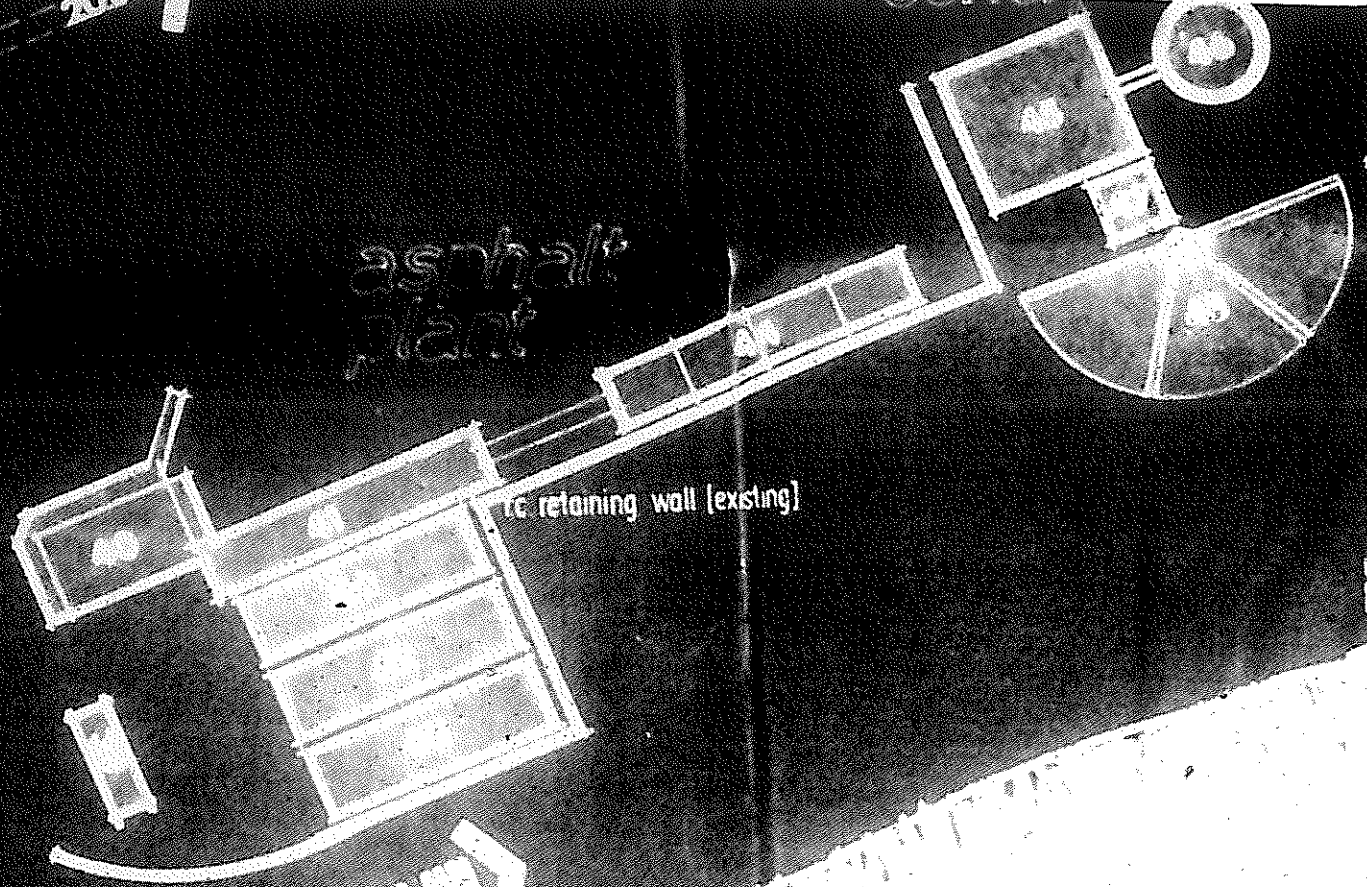


r.c. retaining wall [existing]

201

asphalt  
plant

re retaining wall (existing)



215

285

275

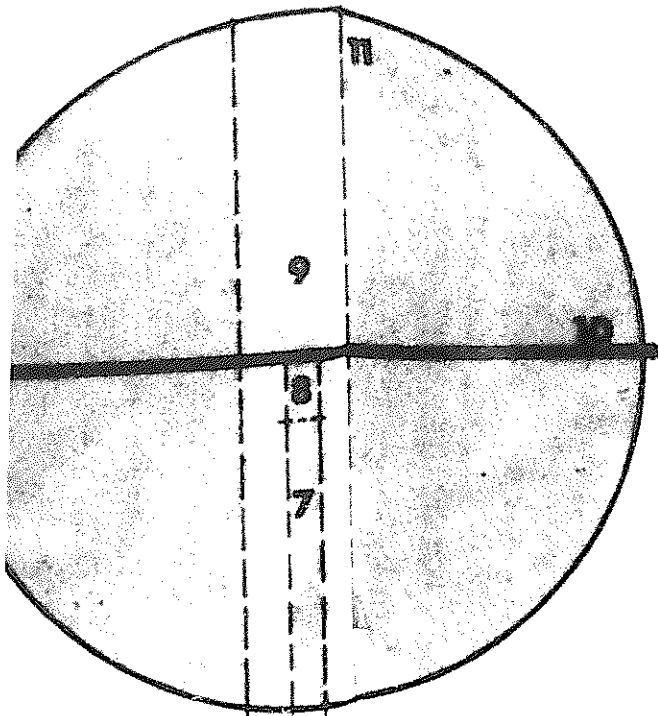
250'

245'

cross section  
see drwg no 2



31413



PAV  
 UP  
 ROAD  
 DOWN  
 ↓

AUXILIARY S

3105'

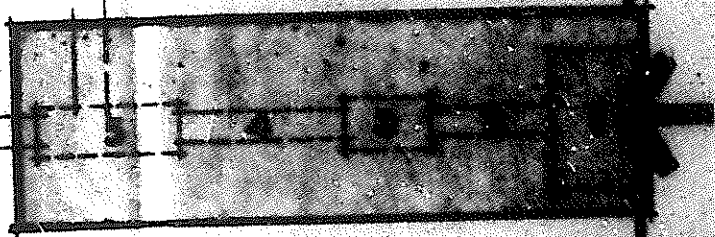
ASPHALT

READY-MIX

3107'

CONCRETE

**B** r.c. retaining wall  
 [proposed]



r.c. retaining wall  
 [proposed]

present quarry  
 face →

CONCRETE

OPERATION	INDEX letter/no	UNIT	PROPOSED	EXISTING
<b>QUARRYING &amp; PLANT</b>				
	A	Present quarry face	●	
	B	PRIMARY CRUSHER HOUSE	●	
	1	50 ton aggregate hopper	●	
	2	"Grizzly" feeder	●	
	3	Primary jaw crusher	●	
	4	-11" material conveyor	●	
	5	4" single screen with hopper	●	
	6	-4" material conveyor	●	
	7 C	-2" material stockpile	●	
	8	2" single screen on steel tower	●	
	9	2, -4" material stockpile	●	
	10	retaining wall	●	
	11	draw-off tunnel with vibrating feeders	●	
	12	4, -11" material conveyor	●	
	13 D	4, -11" material stockpile	●	
	14	draw-off tunnel with vibrating feeders	●	
	15	4, -11" material conveyor	●	
	E	SECONDARY CRUSHER HOUSE	●	
	16	split aggregate hopper and feeder	●	
	17	secondary crusher	●	
	18	-4" material conveyor	●	
	19	single screen with hopper	●	
	20	-1 1/2" material conveyor	●	
	21 F	400 ton, 7-compartment STORAGE BINS with 1 no single deck & 2 no double deck screens	●	
	22	1 1/2, -4" material conveyor	●	●
	23 G	PRIMARY JAW CRUSHER	●	●
	24 H	-2" STORAGE BINS	●	●
	25	-6" material conveyor	●	●
	26 I	SECONDARY CORE CRUSHER	●	●
	27	-1 1/2" material conveyor	●	●
	28 J	TERTIARY CORE CRUSHER	●	●
	29	-1 1/2" material return conveyor	●	●
	30 K	400 ton, 7-compartment STORAGE BINS with 2 no single deck screens	●	●
<b>AUXILIARY STRUCTURES</b>				
	31	WEIGH HUT	●	
	32	WEIGH BRIDGE	●	●
	33	SITE OFFICE		●
	34	600g FUEL TANK		●
	35	GENERATOR HOUSE		●
	36	CANTEEN & TOILETS	●	
		GRADE PARTS HUT		●

10-6

- 22 170 single deck 270
- 23 G 172" - 4" material conveyor
- 24 H PRIMARY JAW CRUSHER
- 25 - 2" STORAGE BINS
- 26 I - 6" material conveyor
- 27 SECONDARY CORE CRUSHER
- 28 J - 172" material conveyor
- 29 TERTIARY CORE CRUSHER
- 30 K - 172" material return conveyor
- 400 for 7 compartment STORAGE BINS with
- 2 no single deck screens

AUXILIARY STRUCTURE

- 31 WEIGH HUT
- 32 WEIGH BRIDGE
- 33 SITE OFFICE
- 34 600g FUEL TANK
- 35 GENERATOR HOUSE
- 36 CANTEN & TOILETS
- 37 SPARE PARTS HUT
- 38 GARAGE

ASPHALT PLANT

- 39 FILLER SILO
- 40 BATCHING TOWER
- 41 STONE DRYER
- 42 BITUMEN TANK
- 43 FUEL TANK
- 44 AGGREGATE HOPPERS

READYMIX CONC PLANT

- 45 MIXING TOWER
- 46 CEMENT SILO
- 47 RADIAL SCRAPER
- 48 AGGREGATE STOCKPILE

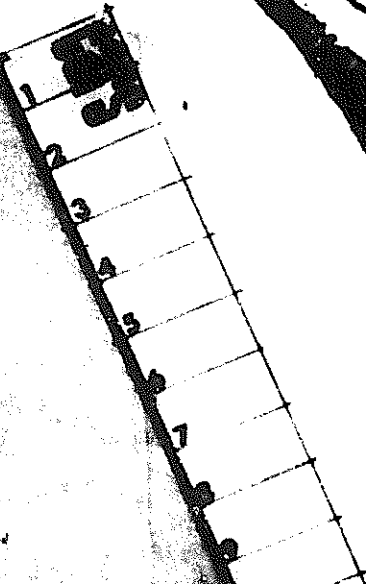
CONCRETE PRODUCTS

- 49 COVERED YARD

310-5

310-77

concrete products



# SEQUENCE OF OPERATIONS

PROPOSED

EXISTING

**A** i: strip overburden with tracked dozer  
 ii: drill and blast rock face  
 iii: load dump truck with articulated shovel  
 v: transport via haul route

**B** PRIMARY CRUSHER

v: transport via conveyor belt

**C** COURSE AGGREGATE STOCKPILE  
 pick up point for transport off site

**D** COURSE AGGREGATE STOCKPILE

w: transport via conveyor belt

**E** SECONDARY CRUSHER

vii: transport via conveyor belt

**F** FINE AGGREGATE STORAGE BINS  
 pick up point for transport off site

vii: transport via conveyor belt

**G** PRIMARY JAW CRUSHER

**H** FINE AGGREGATE STORAGE BINS  
 pick up point for transport off site

ix: transport by conveyor belt

**I** SECONDARY CORE CRUSHER

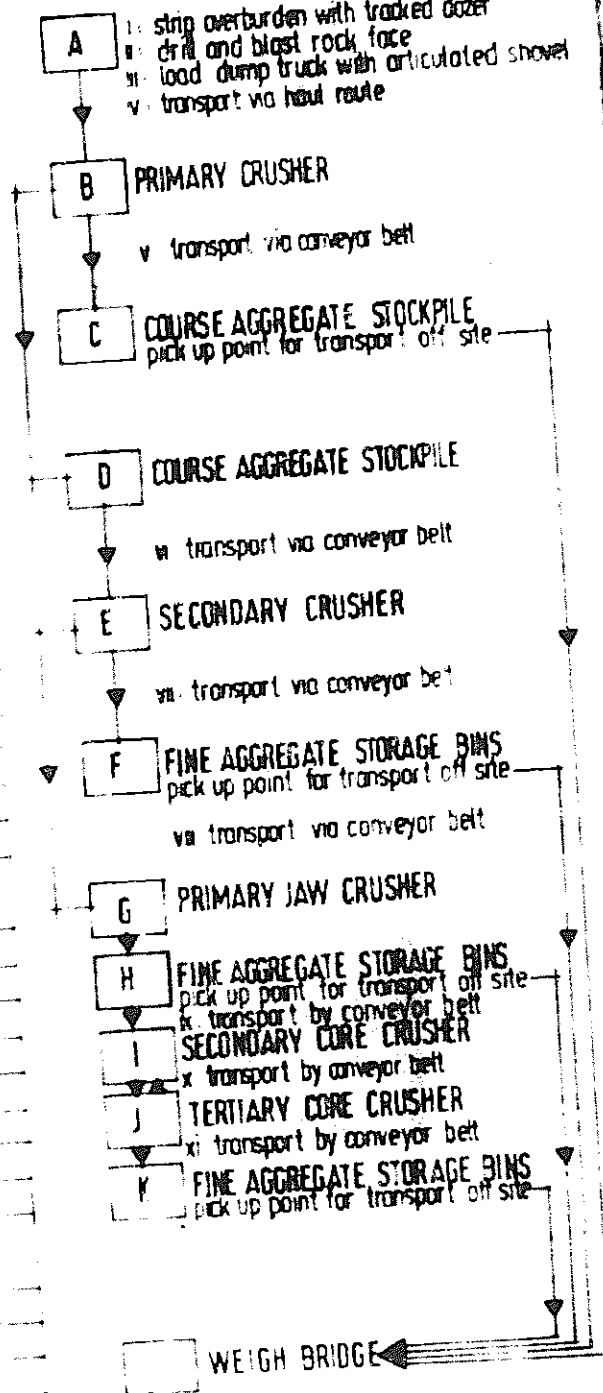
x: transport by conveyor belt

**J** TERTIARY CORE CRUSHER

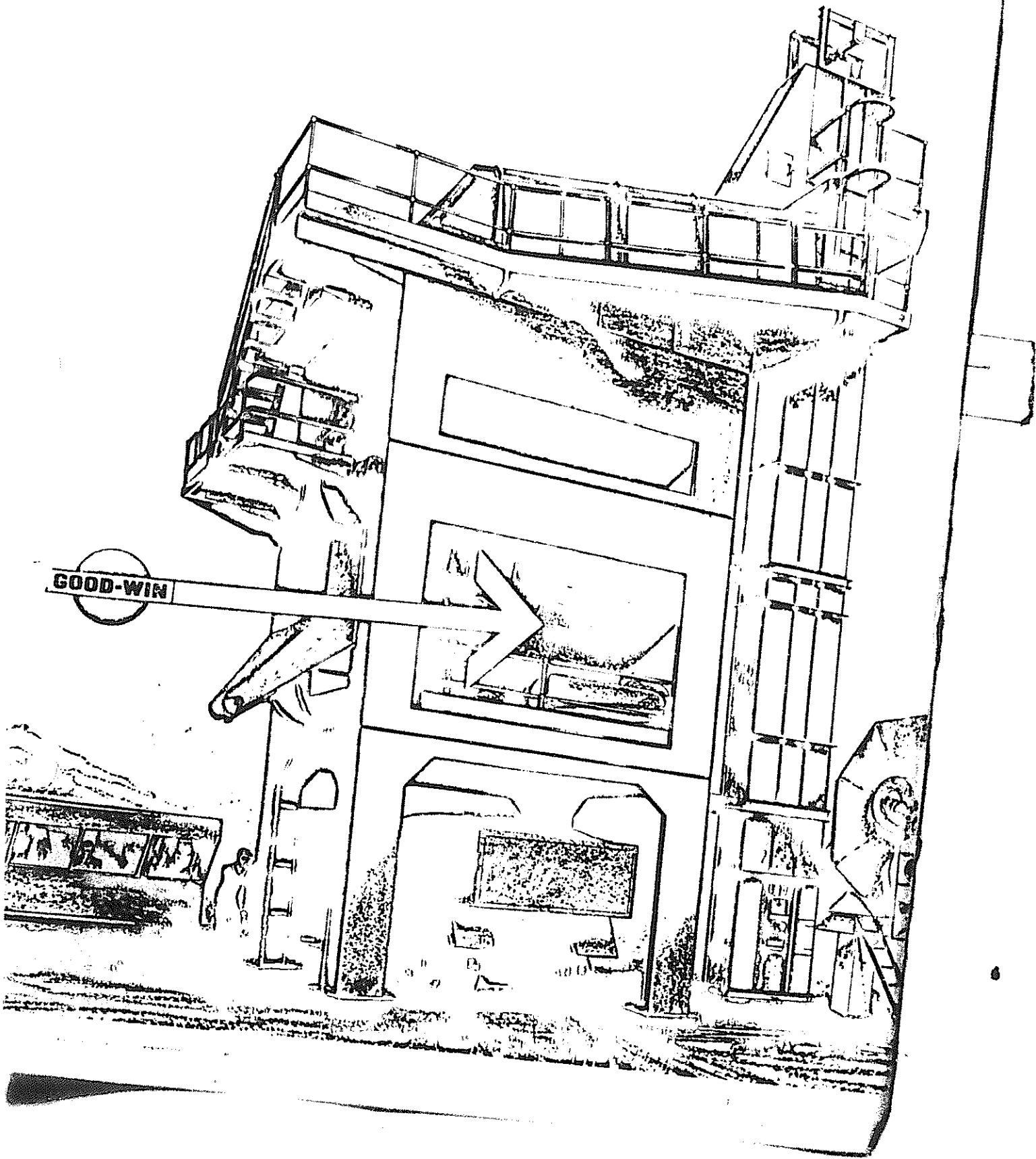
xi: transport by conveyor belt

**K** FINE AGGREGATE STORAGE BINS  
 pick up point for transport off site

**WEIGH BRIDGE**



SECTION  
OF AUTOBATCH  
ASPHALT PLANTS



## Third Party Submissions

Copy to P. Boughan, Esq., 57 Leopardstown Gardens, Blackrock,  
John Boles, Esq., 32B Dolphin's Barn, Dublin 8

COMHAIRLE CHONTAE ATHA CLIATH

Our Ref.G.1292

P.C.13544

Planning Department,  
46/49 Dame Street,  
Dublin 2.

Telephone: 742951 Ext. 143 and  
145

20th  
~~1974~~ August, 1974

RE: Proposed asphalt and readymix concrete plant at  
Ballinascorney Gap, Ballinascorney Upper for  
Irish Aggregates Ltd. +

A Chara,

I refer to your recent enquiry in connection with the above,  
and confirm that permission was refused for the proposal on  
the 9th August, 1974, and particulars of such decision have  
been entered in the Planning Register. The Register is  
available for inspection at the Planning Department, 46/49  
Dame Street, during normal office hours. A certified copy  
of entry in the Register may be had on payment of 50p for each  
entry.

Miss, Le Meas,

*Harry Harrington*  
for Senior Administrative Officer.

Note:

An appeal against the decision by an aggrieved person must be  
made within twenty-one days of date of the decision. The  
appeal shall be in writing and shall state the subject matter  
of the appeal, and grounds of appeal and the nature of the  
appellant's interest in the property affected and shall be  
addressed to the SECRETARY, DEPARTMENT OF LOCAL GOVERNMENT,  
(PLANNING APPEALS SECTION), CUSTOM HOUSE, DUBLIN 1.

As there is an appeal against the Council's decision in this case a  
copy of your letter of objection has been forwarded to the Secretary,  
Department of Local Government, Planning Appeals Section, Custom House,  
Dublin 1 to whom all further correspondence in the matter should be  
addressed.

~~M. G. G. G.~~  
Mrs. Barron

University College Dublin Mountaineering Club

Captain : Michael O'Shea.

Secretary : Mary Barron,  
99 Templeville Road,  
Templeogue,  
Dublin 6.

12-8-74.

The Chief Planning Officer,  
Dublin County Council,  
46 Dame Street,  
Dublin 2.

DUBLIN COUNTY COUNCIL  
14 AUG 1974  
PLANNING DEPARTMENT  
REFERRED TO

PLANNING DEPARTMENT  
RECEIVED  
13 AUG 1974

Dear Sir,

On behalf of the members of U.C.D. Mountaineering Club, I wish to object most strongly to any change of the decision not to grant planning permission for an asphalt and/or readymix (cement) plant at Ballinascorney Gap. I understand that the firm "Irish Aggregates" hope to run this plant as they have a quarry there (which has been worked by them for several years prior to getting planning permission) and already much damage to the area has been caused by the above firm. I feel that an asphalt plant would be the last straw - the servicing alone of such a plant would destroy the area's value as a place of recreation for thousands of Dubliners in need of open areas within easy reach of the city. Many of our members depend solely on public transport to reach the Dublin & Wicklow hill-walking areas - and on leaving the bus at Bohernabreena, the walk up the road, to Ballinascorney Gap would be an almost suicidal exercise with the danger from heavy lorries ferrying materials to and from the plant. Apart from the dangers - and accidents have been caused already - I feel that what was once a pleasant start to a days hill-walking would become an obnoxious experience to be endured for several miles - continuous diesel fumes and noise from the lorries not to mention the plant itself.

For these reasons I must repeat how completely we in U.C.D.M.C. abhor the idea of an asphalt plant at Ballinascorney Gap and we sincerely hope that, looking at the matter in an objective light, you will not grant an appeal which in the long run will be detrimental of the environment.

Yours faithfully,

Mary Barron

Secretary.

BALLINASCORNEY HOUSE  
BRITTAS, CO. DUBLIN  
TELEPHONE 221134

The Minister for Local Government,  
Planning Appeals Department,  
Custom's House,  
DUBLIN 1

28th  
Aug.  
1974

Dear Sir,

As a private individual I would like to welcome the decision of the Planning Authorities in rejecting the application for establishing asphalt and ready-mix concrete plants at Ballinascorney. I wish to urge the Minister to uphold this decision in the appeal made by Irish Aggregates. As Chairman of the South County Conservation Society I have already made known my approval of the Planning Departments action.

I would like now to make the following points which are of interest. One of the reasons given by the Planning Department for their decision was that the roads in the area are unsuitable for the traffic which these plants would generate. To support this might I quote from a letter from Supt. Flynn of Rathfarnham July 20, 1972 to Mr. David Andrews T.D. in answer to a complaint by me about the condition of the roads at that time. "I am well aware of the hazards and inconveniences caused to the public by the heavy lorry traffic to and from the quarry of Irish Aggregates, Ballinascorney, Tallaght. The quarry is situated at a very bad bend on a steep road on very high ground approximately 2½ miles from Old Bawn Cross. The roadways leading from the quarry to Brittas and Old Bawn are narrow and not more than 16 feet wide in places." And again later in the same letter "Again I must stress the point that the roadways in the immediate vicinity are not suited for this type of traffic."

It is interesting to note that this road is out of bounds for lorries going to the city from the Military Camp at Kilbride. They have to go through Brittas village to the Blessington Road thereby adding 5 or 6 miles to their journey.

Thus we have three public authorities, the Garda, the Army and the Planning Authorities, arriving independently at the same conclusion - that this road to Ballinascorney Gap is dangerous and unsuited to heavy traffic. There would want to be overwhelming evidence to prove that these three bodies were wrong in their findings - I don't think that such evidence exists.

The third reason given by the Planning Authority is that Irish Aggregates contravened a condition when permission was granted on February 5th, 1974 to quarry - namely that this permission excluded the installation of asphalt and ready-mix plants.

If we are to judge by their activities since then, Irish Aggregates have chosen to ignore this condition. They have admitted that since then they have installed these plants (see Sunday World, August 18th, 1974). They have recently installed a 10,000 gallon oil tank. They have applied to the E.S.B. for heavy duty cable. Last Saturday black smoke was seen coming from the quarry.

While all these incidents may have nothing to do with the asphalt and ready-mix plants, in the absence of a denial by Irish Aggregates, it is a reasonable assumption that they are still going ahead with their preparations for the operation of these plants.

Yours faithfully,

*N. O'Rahilly*  
N. O'RAHILLY, M.B.

COMHAIRLE CHONTAE ATHA CLIATH  
(Dublin County Council)

Ref. No. in Planning  
Register: ~~C.127~~  
P.C.12844

Planning Department,  
46/49 Dame Street,  
Dublin 2.

Telephone: 42951 Ext. 143 and  
145.

29th August, 1974

RE: Planning Decision permission refused for proposed asphalt  
and concrete plant at Ballinacorney Gap,  
Ballinacorney Upper for Irish Aggregates Ltd.

Your letter of \_\_\_\_\_

A Chara,

I wish to inform you that as there is an appeal to the  
Minister for Local Government against the above decision  
a copy of your letter referred to above has been sent to  
the Planning Appeals Section, Department of Local  
Government, Custom House, Dublin 1.

Mise, le Meas,  
*Mary Harrington*  
for Senior Administrative Officer. *M*

COMHAIRLE CHONTAE ATHA CLIATH

Our Ref.G.1292

P.C.13544

Planning Department,  
45/49 Dame Street,  
Dublin 2.

Telephone:742951 Ext.143 and  
145

15th August,1974

RE: Proposed asphalt and readymix concrete plant at  
Ballinascorney Gap, Ballinascorney Upper for  
Irish Aggregates Ltd. +

A Chara,

I refer to your recent enquiry in connection with the above, and confirm that permission was refused for the proposal on the 9th August,1974, and particulars of such decision have been entered in the Planning Register. The Register is available for inspection at the Planning Department,45/49 Dame Street, during normal office hours. A certified copy of entry in the Register may be had on payment of 50p for each entry.

Rise, le Reas,

*Mary Harrington*  
Senior Administrative Officer.

Note:

An appeal against the decision by an aggrieved person must be made within twenty-one days of date of the decision. The appeal shall be in writing and shall state the subject matter of the appeal, and grounds of appeal and the nature of the appellant's interest in the property affected and shall be addressed to the SECRETARY, DEPARTMENT OF LOCAL GOVERNMENT, (PLANNING APPEALS SECTION), CUSTOM HOUSE, DUBLIN1.

Over/.....

Copy sent to  
Miss W. Harrington  
Mr. MacNamara

*Miss Gannon*

ack'd  
3/1/74

Ballinascorney,  
Tallaght,  
Co. Dublin.

28th June 1974.

Dublin County Council,  
Planning Department,  
45 Dame St.,  
Dublin 2.

Dear Sirs,

OBJECTION  
PROPOSED CEMENT AND ASPHALT PLANT  
for  
IRISH AGGREGATES LIMITED

974

It has come to our notice that Planning Permission is being sought by the above company at Ballinascorney, Tallaght, Co. Dublin, for a proposed cement and asphalt plant and we wish to record in writing our objections to such a proposal in the strongest possible terms.

The roads in this area are totally inadequate for present traffic (including the heavy lorries now operating to and from the quarry); danger to pedestrians is already causing the populous grave concern without additional traffic being foisted upon us, and this point is specially relevant in view of the mountainous nature of the roads, inadequate width, lack of footpaths, and the recent accidents where lorries have gone out of control causing structural damage to fencing and walls.

Additionally this is a farming area, where clean water is an absolute necessity for humanity and animals alike (bearing in mind that most people in this location pipe their drinking water from streams) and the contamination risks are just too high to contemplate such a venture.

Lastly, but by no means least, as residents of this scenic location, we are not prepared to stand by and allow pollution of such dimension enter the atmosphere, nor are we prepared to allow our children and ourselves inhale the fumes and stench which would emanate from such a production line.

Yours faithfully,



*J. D. Downes*  
John X. Downes

*Patricia M. Downes*  
Patricia M. Downes.



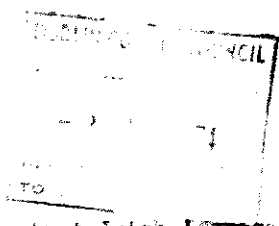
*Mr. McL...*

Daisy Bank  
Lower Ballinascorney,  
Tallaght,  
Co. Dublin.

*9.12.92*  
*acked 4/2/74*  
*COPY sent to*  
*Mr. Harrington*

1st July 1974.

The Secretary,  
Dublin County Council,  
Planning Office,  
12 Dame St.,  
Dublin 2.



Dear Sir,

It has come to my notice that Irish Aggregates Limited, Ballinascorney, Tallaght, Co. Dublin have applied to Dublin County Council for permission to erect two extra plants (asphalt and readymix) to their existing production line, in this location.

My wife and I wish to object to such permission being granted in the strongest possible manner.

My family and I personally have already tolerated extreme hardship as a result of blasting, pollution of our water supply, and the excessive noise from lorries emanating from the existing plant. Accidents are continually happening as it is obvious the roads here are not suitable for the type and volume of traffic utilised in this operation and we are extremely worried for the safety of our children who daily find the roads more and more hazardous for them to walk to school.

Finally, as my home is the nearest house to this plant, and as it is located on the main road, such a venture would be out of the question due to the aforementioned reasons.

Yours faithfully,

Thomas Mannion

Elizabeth Mannion.

*Thomas Mannion Elizabeth Mannion*

Copies to:

- John J. Downe, Esq., Ballinascorney, Tallaght, Co. Dublin.
- Mr. and Mrs. Mannion, Daisy Bank, Lower, Ballinascorney, Tallaght, Co. Dublin.
- P. B. Robeson, Annaghbeg, Ballymaisce, Near Tallaght, Co. Dublin.
- G. Williams, Ballymeece, Bohernabreena, Tallaght, Co. Dublin.
- Niall O'Rahilly, Ballinascorney House, Brittas, Co. Dublin.
- Liam Deerpark, Ballinascorney, Tallaght, Co. Dublin.
- Dolores Kavanagh, An Oige, 39 Mountjoy Square South, Dublin 1.
- Mrs. M. Taylor, Tallaght Community Council, 2 Main Road, Tallaght, Co. Dublin.
- V. Leavy, Hon. Secretary, Macra na Feirme, Ballinascorney Upper, Brittas, Co. Dublin.
- D. T. MacWeeney, Assistant Secretary, An Taisce, The National Trust for Ireland, 126 Lower Baggot Street, Dublin 2.
- Patrick F. Kearns, Regional Development Officer, Ireland East Tourism, Moran Park, Dun Laoghaire, Co. Dublin.
- Pat. Downes, Hon. Secretary, South County Conservation Society, Ballinascorney Lower, Tallaght, Co. Dublin.
- Mary Barron, 99 Templeville Road, Templeogue, Dublin 6.
- Michael Ryan, Upper Cross, Ballinascorney, Brittas, Co. Dublin.
- P. M. Nolan, "The Clover", Ballinascorney Lower, Tallaght, Co. Dublin.
- Mrs. Rowsone, Grangemore, Kilcullen, Co. Kildare.

G.1292

Aa Taisceach,  
Mr. Liam Cosgrave, T.D.,  
Department of The Taisceach,  
Dublin, 2.

22nd July 1974

Dear Taisceach,

I refer to your recent letter in support of the South County Conservation Society, Ballinacorney Lower, Tallaght Co. Dublin who are objecting to the current planning application lodged by Irish Aggregates Ltd., to instal and operate an Asphalt & Ready-mix Concrete plant at Ballinacorney. This application was received in the Planning Office on 10/6/74 and to date no decision has been made on it. I have given a copy of your letter and a copy of each letter of objection to the Planning Officer for the area for his attention.

A decision must be made on this application on or before 9th August and each objector will be notified in due course.

Yours sincerely,

  
Senior Administrative Officer.

*Mr M. Hanahan*



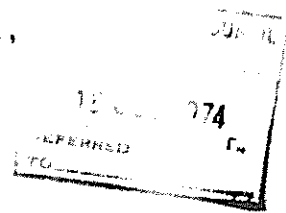
*I refer to [unclear]*

*Miss [unclear]*

Deerpark,  
Ballinascorney,  
Tallaght,  
Co. Dublin.

16th July 1974

Dublin County Council,  
Planning Dept.,  
46-49 Dame St.,  
Dublin 2.



*G. 1292  
Add  
month 2/7*

Dear Sir,

re: PLANNING APPLICATION FILED BY  
IRISH AGGREGATES LIMITED  
BALLINASCORNEY, TALLAGHT, CO. DUBLIN  
for  
ASPHALT AND CEMENT PLANT

On behalf of my neighbours in Ballinascorney and the surrounding area, I am writing to oppose, in the strongest possible terms, the above company's planning application for permission to install and operate an asphalt and cement works at the quarry here in Ballinascorney.

Enclosed is a list of the people who have signed a petition and this represents 100% of the householders in this vicinity.

We have four main reasons for filing such an objection and these are:-

1. This is a high amenity area.
2. Our water is already polluted with silt from the quarry as it presently stands - we will not tolerate oil and cement pollution in our water which would be the direct result of an asphalt and cement plant.
3. Our roads, because they are narrow and steep, are incapable of taking present day heavy traffic and our children and indeed ourselves are subjected to the possibility of injury because of stone spillage from the trucks - to subject us to further heavy trucks and higher accident risks is not acceptable, especially bearing in mind that already several serious accidents have taken place on these roads.
4. Finally we do not want the beauty of our scenic area spoiled by filth and dust, we do not want our gardens ruined, nor do we wish to inhale the awful stench which would result from an asphalt plant.

We trust your department will give due consideration to our objections and keep us advised of progress.

Yours faithfully,

Liam Hopkins  
*Liam Hopkins*

15 July, 1974.

*Miss Gawn*  
*6/22*



ROINN AN TAOISEACH  
DEPARTMENT OF THE TAOISEACH

*For early attention*

BAILE ATHA CLIATH 2  
DUBLIN 2



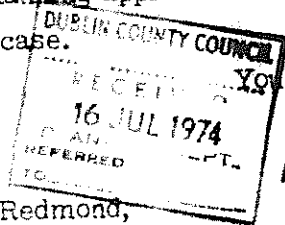
Dear Mr. Redmond,

I have been approached on behalf of the South County Conservation Society, Ballinascorney Lower, Tallaght, Co. Dublin, which was formed by the people of Ballinascorney and the surrounding area to oppose a planning application filed by Irish Aggregates Ltd. to install and operate an asphalt and cement production plant at the quarry at Ballinascorney. I understand the Society has written to the Planning Department of the County Council outlining their objections and requesting the Council to refuse permission for the following reasons:-

1. Oil and cement pollution to water
2. Cement dust settling on vegetation
3. Obnoxious odours would emanate from this envisaged plant, thus polluting the air
4. Road hazards, bearing in mind the gradient of this road, coupled with its narrow and winding nature.

I should be glad if you would let me know what the position is in regard to this particular planning application and when it is expected that a decision will be made in the case.

Yours sincerely,



*Miss Gawn*

Mr. G. W. Redmond,  
Principal Officer,  
Dublin County Council,  
46/49 Dame Street,  
Dublin 2.



NAME

ADDRESS

Christopher Williams	Ballymeede, Bohernabreena, Tallaght, Co. Dublin.
Olive Williams	do
Michael Kilbride	do
Anne Hopkins	Deerpark, Ballinascorney, Tallaght, Co. Dublin.
Margaret Byrne	Upper Ballinascorney, Brittas, Co. Dublin
Patrick Cullen	do
Christina Cullen	do
William Vance	do
Rita Vance	do
Liam Hopkins	Deerpark, Ballinascorney, Tallaght, Co. Dublin.
Elizabeth Mannion	Daisybank, Ballinascorney, Tallaght, Co. Dublin.
Thomas Mannion	do
James Doyle,	Ballinascorney, Tallaght, Co. Dublin.
Joseph Sharkey	Ballinascorney, Tallaght, Co. Dublin.
Grania Sharkey	do
Marion Sharkey	do
Mary Doyle,	Whitehouse, Bohernabreena, Co. Dublin.
Eamonn Hopkins	Ballymeede, Tallaght, Co. Dublin.
Maureen Hopkins	do
Patricia Downes	Ballinascorney, Tallaght, Co. Dublin.
John Downes	do
Jane Downes	do
Niall O'Rahilly	Ballinascorney House, Brittas, Co. Dublin
Bridget Wilkinson	Talbotstown House, Brittas, Co. Dublin.
Pat O'Rahilly	Ballinascorney House, Brittas, Co. Dublin
Aideen O'Rahilly	do
Francis O'Rahilly	do
Padrig Nolan	The Clover, Ballinascorney, Tallaght, Co. Dublin.
Anne Nolan	do.

*Mr. McNamee*

# SOUTH COUNTY CONSERVATION SOCIETY

Hon. Sec. Mrs. P. Downes

*G. 1292*  
*ackd.*  
*1974*

Dublin County Council, *1974*  
Planning Department,  
46-49 Dame Street,  
Dublin 2.



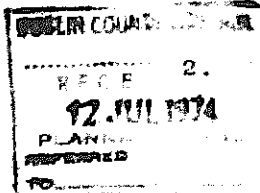
BALLINASCORNEY LOWER,  
TALLAGHT,  
Co. DUBLIN.  
Telephone 508134

9th July 1974

Dear Sirs,

We represent the residents of Ballinascorney and surrounding district and on their behalf we wish to register our objection to the proposed Application from Irish Aggregates Ltd., for an asphalt plant and cement (readymix) plant at Ballinascorney.

1. This area is a high amenity area. Not even private houses are permitted to be built here. The installation of these plants, if permitted, will make the area an industrial one. It will mar the beauty of the nearest scenic route to the city which is used increasingly by the people of Dublin and by tourists. It will set at nought the efforts which are being made to make this area a recreational centre.



2. The area in which this factory is proposed to be sited is in a catchment area for the water reservoir at Bohernabreena. At the moment the water is polluted by the quarry which is operating at Ballinascorney. The local residents have complained of this for some time. If this application is granted pollution to water will be much greater, as the industrial process involved is very much dirtier than that of crushing rock.
3. The roads leading to this site are quite unsuitable for any industrial project. They are dangerously steep, winding, and narrow. There have, in fact, been four accidents on Ballinascorney hill since this quarry opened in 1971. Most recently a lorry ran off the road opposite Ballinascorney Golf Club and the driver was lucky to escape with his life.

If readymix lorries are put on this road the danger to users of the road will be increased. The roads will not stand up to the weight of these lorries and their width will make it almost impossible for a car to pass them. There is also the question

continued/....

# Tallaght Community Council

Secretary:  
Mrs. M. Taylor  
2 Main Road  
Tallaght  
Phone: 505649.

To the Senior Administrative Officer  
Planning Dept

25/11/74

PLAN C 1292

Dear Sir,

The above Council, being an Approved Local Council, wish to object to planning permission being granted to Irish Aggregates Ltd. for an Asphalt and Ready-mix Cement plant at Ballinascoracy Tallaght.

- 1 The objection is based on the fact that this area is zoned high amenity. Although quarrying has been carried on in this area for many years this council believe that an alteration to the manufacture of Asphalt and Cement would be a breach of the Zoning.
- 2 The proposed new industry is likely to cause pollution to the water of the Dodder making it a dead river, the waters of the lakes causing danger to health and to the entire valley below in which the New Town of Tallaght will lie.
- 3 It would be an injury to the amenity of the New Town being situated in the hinterland in an area where the people of the town might expect to be able to go for recreation and fresh air.
- 4 The roads in this area are unsuited to the sort of traffic which this industry is bound to generate and there would be likely danger to life and limb on this road.
- 5 It is important for County Dublin and for Ireland as a whole that zoning laws are not broken and that industrialists are not allowed to do so by the pressure used in setting up an industry first and asking permission later.

The Tallaght Community Council hope that you will give this objection your careful consideration

Yours faithfully

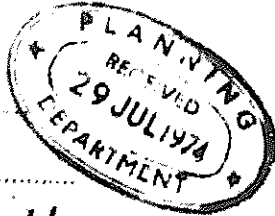
M. Taylor  
H. Taylor

2 copies to MTA  
29/11/74  
ack 30/11/74



*Use Gann this Gannon*  
**MACRA NA FEIRME**

G1292  
EST. 1944  
Ref. No.



*Dohemabans / Talley* Branch  
*Valerie Leavy* Hon. Secretary

To *Dublin Co. Co.*  
*Planning Dept.*  
*146-149, Dame St.*

*Ballinascooney Upts.*  
*Bairras.*

*Co. Dublin*

*27th July 1974*

Dear Sirs,

I have been asked by the above named branch to write to you with our objections to the proposed Application from Irish Aggregates Ltd., for an asphalt Plant & Cement Plant at Ballinascooney.

1. The roads to this site are very narrow & steep and therefore are quite unsuitable for any industrial project.
2. The houses adjoining this quarry are polluted by dust from the quarry.
3. At the moment the water in the reservoir is polluted by this quarry and if permission is granted pollution to the water will be much greater.
4. It will mar the beauty of this district which is used by tourists & by the people of Dublin.

There are some of the reasons why planning permission (we think) for these plants should be refused.

V. Leavy. Hon. Sec.

*(Out 29/7)*



Adt 25/7/74 MN 24/7/74  
+ 2 copies to MN

*MISS K. Gannon*  
~~24/7/74~~



Dublin County Council,  
Planning Department,  
46, Dame Street,  
Dublin, 2.

An Taisce  
The National Trust for Ireland  
126 Lower Baggot Street  
Dublin 2  
Telephone 764023/763659

23rd July, 1974.

Dear Sirs,

Re: Your Reg. G. 1292 - Irish Aggregates Limited for  
Asphalt & Readymix Plant at Ballinascorney.

An Taisce wishes to object to planning permission being granted for the above mentioned development on the following grounds:-

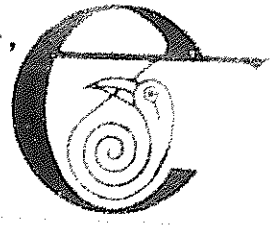
1. This area is a high amenity area and no building should be permitted therein much less an industrial plant of this nature.
2. This area should be kept preserved strictly for recreational purposes owing to its ease of access from Dublin for citizens and visitors.
3. The roads are completely unsuitable for heavy traffic which will be necessary to serve a plant of this nature. There is no reason to spend public money on expensive road developments just to serve an industrial plant placed in an unsuitable position in a high amenity area.
4. There is a serious danger that the water supply from the water reservoir at Bohernabreena will become polluted.
5. We understand that the permission granted when the quarry was re-opened in 1971 specifically excluded this type of development. In addition the permission granted then only covered quarrying and removing rock and stone.
6. The manufacture of asphalt involves the emission of heavy black fumes which will undoubtedly seriously effect the vegetation in the area.
7. The applicants for this permission have contrary to all regulations begun to instal machinery without permission.

An Taisce strongly urges the rejection of this application and any further applications by this Company, for the same objective.

Yours truly,

*D. T. MacWeeney*  
D. T. MacWeeney,  
Asst. Secretary.

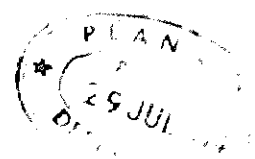
The Chief Planning Officer,  
Dublin County Council,  
Planning Department,  
46/49 Dame Street,  
DUBLIN 2.



G.1292

Moran Park Dun Laoghaire Co. Dublin  
Telephone 808571

Your reference



Your reference

PFK/IN

date

28th July, 1974.

Dear Sir,

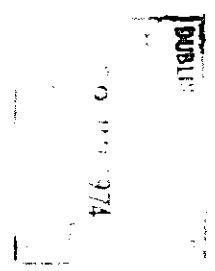
We refer to the planning application by Irish Aggregates Ltd. for an asphalt and readymix cement plant at Ballinascorney Quarry.

Eastern Regional Tourism Organisation Ltd. wishes to register an objection to this plant. The area in question forms part of the South Dublin Mountain area, which is a high amenity area, both for the Dublin area and for development for touristic purposes. The National Coastline Study prepared by an Foras Forbatha, indicates that this mountain area should be investigated as a leisure and recreation area for day visitor use and for use by the touring group.

In addition, we fully support the residents of this area in their objections as detailed to you in their letter of 9th instant.

Yours faithfully,

Patrick F. Kearns  
Patrick F. Kearns,  
Regional Development Officer. p.p.



ack 28/7/74

Enclosed are details of some objections.

John Bobo

Objection to the Application by  
Irish Aggregates Ltd of  
39, Sundrive Road,  
Dublin  
for permission to erect a Goodwin Asphalt  
Plant and Ready Mixed Concrete Plant  
at  
Ballinasconey Upper, County Dublin.

REF  
G1200

The above firm carried on extensive quarrying for the past few years at Ballinasconey and they were well established there before planning permission was granted. As a resident of Upper Ballinasconey I have been disappointed at the way in which the quarry has been operated and in particular

1. the condition of the roadway <sup>WITH TRUCKS AND WATER</sup> ~~the muck and the litter!~~ and oil flowing alongside.
2. the way in which the surface clay has been piled up around the perimeter, especially on the side next to the road (It is at such a steep angle that it keeps sliding down in wet weather)
3. at the difficulty in passing lorries on the narrow roads from the quarry.
4. at the number of pieces of rock landing all over the place after blasting

They now want to extend their activities by building an asphalt and ready mixed concrete plant. This I think must be prevented at all costs for the following enumerated reasons.

GENERAL.

1. They have made little effort, to prevent the <sup>PRESENT</sup> quarry from becoming an eyesore to everyone.
2. Any increase in the number of heavy lorries using these roads is undesirable, as the roads are steep, winding and treacherous. We do not need tar lorries and cement lorries, going up and down in addition to what we have. It would seem to me to be much better, if Irish Aggregates Ltd. would bring the quarried stones down to a tar and cement factory elsewhere rather than hauling tar and cement in lorries UP to Ballinasconey, which has then got to be brought back DOWN again in the finished product.
3. It is zoned a High Amenity area and once an area like this gets destroyed, it is ruined for all time.

Act. 30/7/74

General (contd)

4. An asphalt plant and a ready mixed concrete plant does not have to be sited in a High Amenity Area.
5. There <sup>IS</sup> already <sup>AN</sup> asphalt plants at Clondalkin (SIAC), <sup>AND</sup> two at Newlands Cross (Roadstone). We do not need a multiplicity of Asphalt Plants. We already have three serving the Tallaght area.
6. Plants like these do not generate extra jobs; <sup>AND THEY</sup> it only causes diversification of jobs into smaller, and perhaps even less efficient plants, as the amount of asphalt and ~~and~~ concrete required, depends upon local needs.
7. If industrial development takes place in this area, then how can you turn down applications from the neighbours in Upper Ballinascorney to re-open some of the numerous old quarries and gravel pits which cover the area. Can you turn down applications for allied industries (such as concrete block making) once a precedent has been set.
8. Any additional entrances or exits into the quarry should be prevented. They wish to make an entrance into their site from the narrow Kilbride Road. The one entrance they have, is more than wide enough for entrance and exits, and they could well afford to build their OWN roadway on their OWN land. They must not be allowed to destroy, another  $\frac{1}{2}$  mile of rural country road with massive lorries.

CONTAMINATION.

9. Is there any city in the world, which can boast of having a TAR factory or Concrete factory situated on the top of a scenic mountain pass 1,000 feet above sea level, eight miles from the city centre, and two miles from a major, high density, residential area? Can you imagine the effects of the westerly winds, blowing the oily fumes, dust and dirt of these factories over the Eohernabreena Reservoir, which supplies Dublin with drinking water? Can you imagine, the westerly winds blowing the contamination over Tallaght and Rathfarnham? It should be mentioned that the winds at Ballinascorney GAP are very strong. Ballinascorney Gap, due to the presence of mountains acts as a funnel for the winds. I believe that this causes a type of Vacuum on the easterly side causing the contamination to be released and deposited.

Contamination (contd)

10. Have you ever heard of a tar factory and cement works being erected above the clouds. This area, owing to its height tends to be in cloud, mist and fog much of the time. What can we expect to fall when it rains ?
  
11. We have had little snow for the past few winters, however, we hope that when it comes, it will still be white and non caustic. I believe that these 3 points should be taken seriously. On a windy day, <sup>WORKING,</sup> it is not possible to prevent all sorts of dirt being carried along in the air. Malachi Horan's book (He lived in the area) makes many references to things being carried away and never recovered. The houses in this upland valley are, I believe amongst the highest in Ireland and are subjected to really fierce winds and I doubt if anyone but the inhabitants know how fierce they are. I am convinced that these industries would cause incredible amounts of cement dust ect. to be carried by the winds.

**Beauty.**  
\*\*\*\*\*

12. To me the word GAP signifies a gateway, an entrance to something new, or different. Consider Sally Gap, or Wicklow Gap; There is nothing more beautiful than walking or driving, for miles and miles, up to these Gaps and suddenly seeing a completely new and unspoilt view opening up before you and I look upon Ballinascorney Gap in the same way. Climbing up and up you suddenly reach this pleasing upland valley with Seahan and the other mountains appearing before you, or descending you catch some beautiful glimpses of Dublin and Howth. It must be preserved. **AT ALL COSTS.**
  
13. It is amongst the nearest, and is certainly the quietest and most peaceful part of the mountains, for the residents of Tallaght (The Killakee Road is packed beyond capacity on Sundays) It provides an escape, particularly along the Kilbride Road which is completely unspoilt. This Kilbride Road climbs until it is the second highest in Co. Dublin. The View from here is breathtaking and I doubt if anyone, should allow a tar factory and cement works in the middle of it. The forestry people have opened up

ack'd  
3/7/74

~~Mr. MacNamara~~  
Miss Harrington

Grangemore,  
Kilcullen,  
Co. Kildare.

The Planning Officer,  
Dublin County Council,  
Planning Office,  
Dame Street,  
Dublin 2.

June 28, 1974.

9-1292



Dear Sir,

It has come to my notice that an asphalt and cement plant owned by Roadstone is planned to be built at the top of the Ballinascorney Pass. I write to object in the strongest possible way.

The Ballinascorney Pass is one of the scenic routes from Dublin and is in fact zoned an amenity area. Any industrial development would therefore be contrary to the zoning laws and detrimental to this area.

The Ballinascorney Pass is, at the moment, in the heart of the Dublin Mountains and yet within close proximity to Dublin. As an amenity area it is essential that it be kept free from pollution of any kind, and particularly pollution of an industrial nature which is inevitable if an asphalt and cement plant were situated there.

The road itself is quite unsuitable, and probably unsafe for heavy use. This road should be kept as it is - suitable for private cars, cyclists and hikers, all of which use it at present. To allow large heavy vehicles would be to deter the present users.

I ask you, as Planning Officer, to uphold the planning laws and zoning regulations, and keep Ballinascorney as it is.

Yours faithfully,  
(Mrs) Widdowson

Miss Gannon (Treat as OBJECTION)  
**SOUTH COUNTY CONSERVATION SOCIETY**

Hon. Sec. Mrs. P. Downes

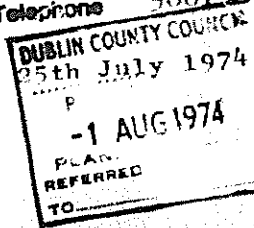
PO to note

Mr. Kelly,  
Chief Planning Officer,  
Planning Department,  
Dublin County Council,  
46-49 Dame St.,  
Dublin 2.



BALLINASCORNEY LOWER,  
TALLAGHT,  
Co. DUBLIN.

Telephone 508134



Dear Mr. Kelly,

The purpose of this letter is to express our appreciation for the courtesy extended by your goodself and Mr. George Hearne when a deputation from our Society called upon you on Monday last to outline our objections to Irish Aggregates Ltd. Planning Application for an asphalt and cement plant at Ballinascorney.

We have written to the E.S.B. advising them of our objection and have pointed out to them that this company's application for the operation of such manufacture is still in the pending state. We have also advised this body that our Society, representing residents in this area, strongly object to the contemplation of such industrial activities.

As discussed at our meeting, we would be very grateful if you could perhaps advise your colleagues in the Co. Council regarding the purchase of raw materials emanating from this quarry should they take it upon themselves to produce without permission being granted or in the event of permission being refused.

**NB** | Finally, we would be very pleased if you could keep a note on file to advise us the progress of this application.

Kind good wishes.

Yours sincerely,

  
Pat Downes  
Hon. Secretary.

*Notified - 5/8/74*

91292.



**COMHAIRLE CHONTAE ATHA CLIATH**  
(DUBLIN COUNTY COUNCIL)

Your Ref. ....

PLANNING DEPARTMENT

Our Ref. ....

48/49 DAME STREET

DUBLIN 2

TELEPHONE 742951

23rd February, 1977.

Lerry McEhron, T.O.,  
Beharabraena,  
Tallaght,  
Co. Dublin

Dear Councillor,

I enclose herewith as requested a copy of the Minister's Decision dated 28th January, 1975, granting permission for Asphalt and Ready-mix Plant at Bellinascorney Gap, Bellinascorney Upper for Irish Aggregates Ltd.

Yours faithfully,

  
for Senior Administrative Office

Reg. No. 1892  
P.C. 1/304

21 August 1974

James Murphy, Esq., M.C.C.,  
Murphystown Road,  
Randyford,  
Co. Dublin.

Dear Councillor Murphy,

I refer to your enquiry concerning the planning application made by Moore, Irish Aggregates Limited for an asphalt and ready-mix concrete plant at Ballinacorney Gap, Ballinacorney Upper. This application was received in the Planning Office on 10/6/74 and a decision to refuse permission for this development has now been made by the Council for the following reasons:-

- (1) The site is located in an area zoned high quality open space in the Development Plan. The industrial development now proposed would be in conflict with this objective, would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.
- (2) The proposed development would be at variance with Condition No. 15 of the decision to grant permission for a temporary period for quarrying purposes by Order No. P/373/74, dated 5th February 1974.
- (3) The proposed industrial development would generate additional traffic movements on the adjoining sub-standard road network and would be likely to create serious traffic hazard by reason of the additional vehicle movements to and from the site.

The applicants, Moore, Irish Aggregates Ltd. have now appealed the Council's decision to the Minister.

Yours sincerely,

COUNCIL ADMINISTRATIVE OFFICER

# NATURE-LOVER THREATENED

BY JIM FARRELLY

OBSCENE and threatening phone calls are being made by an anonymous caller to a top An Taisce conservationist who wants to keep Dublin's hills pollution-free.

One of the terrifying calls to the conservationist, Dr. Niall O'Rahilly, of Ballinascorney, Brittas, Co. Dublin, warned him: "You bloody bastard, we will get you."

Another call was worse and said he was watching the doctor's car and trying to track down the callers.

The first of the scary calls came last Saturday (August 10), the day after Dublin County Council had rejected permission for an asphalt and ready-mix plant at Irish Aggregates Ltd. Quarry at Ballinascorney, in the Dublin hills.

The two plants are already installed at the quarry and ready for operation. And Irish Aggregates Ltd. are appealing the decision to the Minister.

But Dr. O'Rahilly, a member of An Taisce, has adamantly opposed the project and formed a pressure group, the South County Conservation Society, to fight it.

Meantime, many people in Ballinascorney, and industrialists in the area, are fuming at Dr. O'Rahilly's opposition.

## CALLS REPORTED

Yesterday Dr. O'Rahilly confessed: "Of course I am scared by the calls. I am worried about myself and my family. I have reported the matter to the gardai."

He added: "I have no evidence that the caller has any vested interests in the proposed project at Ballinascorney Gap. Except that the calls began after the plant permission was turned down by the Council."

But he warned: "No calls, no matter how threatening, are going to stop me fighting to keep this plant out of the Dublin hills, a top amenity area."

"I will fight it in the Supreme Court if necessary."

He added: "I am not the only objection. Rambling crabs, preservation groups and open-air lovers are against the project."

Mr. Colm Scallan, managing director of Irish Aggregates Ltd., yesterday condemned the anonymous phone-callers.

When told of the calls he said: "This is the first I have

heard of them. I would certainly not condone this type of conduct."

He added: "I am sure none of our men would resort to this conduct. None of our men has been interviewed by gardai about the calls."

At a recent meeting in Ballinascorney to organise a campaign against the plant, Dr. O'Rahilly was publicly subjected

to verbal abuse and several accusations were made publicly against him.

The meeting showed that people in Ballinascorney are split down the middle about the plant.

Already 100 tons per hour of crushed stone are being taken from the quarry.

Many feel that to process the stone into asphalt and ready-mix would not worsen existing amenities while it would give an increase of 60 new jobs for locals.

## MYSTERY SIGNALS

Air traffic control authorities at Shannon Airport are baffled by the mysterious distress signals that have been picked up in the Atlantic about 250 miles west of Shannon. The distress calls were picked up during the week by

aircraft operating in and out of the airport. Despite an intensive search of the area, which continued up to last night, with aircraft from the British Rescue Centre at Plymouth and ships taking part, nothing has been found.

*Sunday Independent 18.8.74*

# GET THAT

**MOTHER THE  
GO-WORKER**  
Mother Teresa and the  
Missionaries of Charity  
live and work for  
the destitute, the lame  
and the dying.  
They need your love and  
support.  
Mrs. Mary Walsh  
(Hon.)  
c/o Allied Irish Banks  
53 Upper Baggot Street  
Dublin 4.

**OIREACHTA  
ART EXHIBITION**  
Exhibition Hall, New LI  
Trinity College  
Open until 31st Aug  
Weekdays 10.00 a.m. to 1.0  
Sundays 1.00 p.m. to 1.0  
**KENNY'S GALLERY, DAL**  
6th to 15th September  
Catalogue 12p.

*E. Herald 16.8.74*

# Local people divided in plant site row

THE ROW over the siting of a new asphalt and ready-mix plant in the Dublin mountains deepened this week.

The company behind the project, Irish Aggregates Ltd., gave notice of their intention to appeal a decision by Dublin County Council rejecting the proposal.

Meantime, a handful of farmers and retired people living in the vicinity of the proposed development — Ballinascorney Gap—are divided over the desirability of the proposed plant.

One group have banded into the South County Conservation Society. They have refused to meet Irish Aggregates to discuss the project and their leader, Dr. Niall O'Rahilly, says he intended to resist efforts to get the project sanctioned.

Another group living in the area, the Glenasmole Community Association, has stated that it does not associate itself with the South County Conservation Group.

## ACCUSATIONS

This week a meeting of local people attended by T.D.'s Larry McMahon and Mervyn Taylor, failed to reach any constructive conclusion and petty accusations were hurled between opposing factions.

Some of the attendance spoke out in favour of industry in the area.

Dublin County Council's reasons for opposing the development are: the high amenity zoning of the area . . . the Dublin Mountains, and the standard road network surrounding the quarry.

The company's case is: the quarry has been in use since 1927 and already the company has permission to blast, crush rock and take out 300 tons of stone from the quarry per hour.

If permission for the asphalt and ready-mix plants was given there would be no increase in output from the quarry, so the "narrow roads" objection does not stand up.

## NEW JOBS

The new plants would only involve adding cement and asphalt to finely crushed stone dust. This operation, the company says, provides up to 50 new jobs.

However, there is the fear that sulphur dioxide—a serious pollutant—would be pumped into the air from the asphalt making process.

Dust from the crushers may settle on plants and vegetation and probably blown down to Tallaght. (This is one of the reasons why the Dodder Valley Protection Society is among the objectors).

A spokesman for the develop-

A spokesman for the development company stressed today that there is no need to use sulphur in the making of the asphalt and their new machinery is highly sophisticated and able to "trap" 99 per cent of all dust which escapes in the crushing process.

*E. Herald 16.8.74*

**OTHER RELEVANT PLANNING HISTORY, FORMER QUARRY  
ADJOINING THE ROADSTONE QUARRY LANDS TO THE  
WEST**

**REGISTER REFERENCE: H.2603**

**PROPOSED: RE-OPENING AND DEVELOPMENT OF A STONE  
QUARRY**

**GRANTED TEMPORARY PLANNING PERMISSION**

COMHAIRLE CHONTAE ATHA CLIATH

File Reference P.C. 15310	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 PLANNING REGISTER		REGISTER REFERENCE H.2603
1. LOCATION	Ballinascorney Upper, Co. Dublin <span style="font-size: 2em; vertical-align: middle;">S</span>		
2. PROPOSAL	Re-opening and development of stone quarry		
3. TYPE & DATE OF APPLICATION	TYPE	Date Received	Date Further Particulars
			(a) Requested
			1. 2/2/76
	P.	3rd Dec. 1975	1. 21/4/76
			2. ....
4. SUBMITTED BY	Name	Shesgreen Keaney, Architects,	
	Address	39 Upper Fitzwilliam Street, Dublin 2	
5. APPLICANT	Name	J. Fitzpatrick, Esq.,	
	Address		
6. DECISION	O.C.M. No.	P/1885/76	Notified 18th June, 1976
	Date	18/6/76	Effect To Grant Permission
7. GRANT	O.C.M. No.	P/2286/76	Notified 22nd July, 1976
	Date	22/7/76	Effect Permission Granted
8. APPEAL	Notified		
	Type	Decision	
9. APPLICATION SECTION 26 (3)	Date of application	Effect	
		Decision	
10. COMPENSATION	Ref. in Compensation Register		
11. ENFORCEMENT	Ref. in Enforcement Register		
12. PURCHASE NOTICE			
13. REVOCATION or AMENDMENT			
14.			
15.			
16.			

Prepared by .....	Copy issued by .....	Registrar.
Checked by .....	Date .....	
Grid Ref.	O.S. Sheet	Co. Accts. Receipt No.....

# DUBLIN COUNTY COUNCIL

2951 (Ext. 131)

PLANNING DEPARTMENT,  
46-49 DAME STREET,  
DUBLIN 2

Notification of Grant of Permission/~~Approval~~  
Local Government (Planning and Development) Act, 1963

To: Sheagreen Keaney & Partners,  
39, Upper Fitzwilliam St.,  
Dublin, 2.  
Applicant: J. Fitzpatrick.

Decision Order  
Number and Date P/1885/76 18/6/76  
Register Reference No. H. 2603.  
Planning Control No. 15310  
Application Received on 5/12/76  
Add. Inf. recds 21/4/76

A PERMISSION/~~APPROVAL~~ has been granted for the development described below subject to the undermentioned conditions.

**Proposed re-opening of stone quarry at Ballinacorney Upper,**

Conditions	Reasons for Conditions
<ol style="list-style-type: none"> <li>1. That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application, save as is in the conditions hereunder otherwise required.</li> <li>2. That the structures shall be removed on or before the 30th June, 1981, unless before that date permission for its retention is granted by the Planning Authority, or by the Minister, on appeal.</li> <li>3. That the water supply and drainage arrangements, including the satisfactory disposal of surface water be in accordance with the requirements of the County Council. The applicants must consult with the Supervising Health Inspector, 9, Rutland Place, with a view to reaching an agreement for the purpose of providing a satisfactory system of foul drainage treatment and disposal.</li> <li>4. That the requirements of the Chief Fire Officer, if any, be adhered to in respect of this development. The applicants must consult with the Fire Prevention Officer with regard to these matters.</li> <li>5. That within 3 months of this decision to grant permission, a detailed scheme for the reinstatement and landscaping of the worked-out portions of the quarry, together with details of proposals for the reinstatement of areas at ground level and areas no longer required for surface plant or buildings, shall be submitted to the Planning Authority by the developers and that the scheme shall be agreed between the developers and that</li> </ol>	<ol style="list-style-type: none"> <li>1. To ensure that the development shall be in accordance with the permission and effective control maintained.</li> <li>2. To ensure that the structures shall be removed on or before the 30th June, 1981, unless before that date permission for its retention is granted by the Planning Authority, or by the Minister, on appeal.</li> <li>3. In order to comply with the Sanitary Services Act, 1964.</li> <li>4. To protect the safety of persons occupying or employed in the structures, or adjoining structures.</li> <li>5. To secure the eventual restoration of the land to an appearance and use consistent with the appearance and use of lands in the vicinity of the site in as short a period as possible.</li> </ol>

Continued:

on behalf of the Dublin County Council: \_\_\_\_\_  
for Senior Administrative Officer

Form 4

Date: 22nd July, 1976

Approval of the Council under Building Bye-Laws must be obtained before the development is commenced and the terms of approval must be complied with in the carrying out of the work.

# DUBLIN COUNTY COUNCIL

PLANNING DEPARTMENT,  
46-49 DAME STREET,  
DUBLIN 2

(Ext. 131)

Notification of Grant of Permission/~~Approval~~  
Local Government (Planning and Development) Act, 1963

To: Shagreen Keansy & Partners. Decision Order Number and Date P/1885/76 18/6/76  
39, Upper Fitzwilliam St., Register Reference No. M. 2603.  
Dublin, 2. Planning Control No. 15310  
Applicant: J. Fitzpatrick. Application Received on 5/12/75  
Add. inf. recd: 21/4/76

A PERMISSION/~~APPROVAL~~ has been granted for the development described below subject to the undermentioned conditions.

Proposed re-opening of stone quarry at Ballinacorney Upper,

Conditions	Reasons for Conditions
<ol style="list-style-type: none"> <li>That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application, save as is in the conditions hereunder otherwise required.</li> <li>That the structures shall be removed on or before the 30th June, 1981, unless before that date permission for its retention is granted by the Planning Authority, or by the Minister, on appeal.</li> <li>That the water supply and drainage arrangements, including the satisfactory disposal of surface water be in accordance with the requirements of the County Council. The applicants must consult with the Supervising Health Inspector, 9, Rutland Place, with a view to reaching an agreement for the purpose of providing a satisfactory system of foul drainage treatment and disposal.</li> <li>That the requirements of the Chief Fire Officer, if any, be adhered to in respect of this development. The applicants must consult with the Fire Prevention Officer with regard to these matters.</li> <li>That within 3-months of this decision to grant permission, a detailed scheme for the reinstatement and landscaping of the worked-out portions of the quarry, together with details of proposals for the reinstatement of areas at ground level and areas no longer required for surface plant or buildings, shall be submitted to the Planning Authority by the developer and the applicant shall be satisfied with the proposals and that on behalf of the Dublin County Council:</li> </ol>	<ol style="list-style-type: none"> <li>To ensure that the development shall be carried out in accordance with the permission and that effective control be maintained.</li> <li>To enable the effect of the development on the amenities of the area to be reviewed, having regard to the conditions then obtaining.</li> <li>In order to comply with the Sanitary Services Acts, 1878 &amp; 1964.</li> <li>To protect the safety of persons occupying or employed in the structures, or adjoining structures.</li> <li>To secure the eventual restoration of the land to an appearance and use consistent with the appearance and use of lands in the vicinity of the site in as short a period as possible.</li> </ol>

Continued:

on behalf of the Dublin County Council:

for *[Signature]* Senior Administrative Officer

Date: 22nd July, 1976

Form 4

Approval of the Council under Building Bye-Laws must be obtained before the development is commenced and the terms of approval must be complied with in the carrying out of the work.

The scheme shall provide for the carrying out of such works as may be necessary to make the land useful for agricultural or recreational purposes, and consistent in appearance with surrounding land, including works for the disposal of waste materials and for the moulding of surface levels, the provision of natural surface and subsoil drainage, vegetation planting and reseedling and the securing of stable and self regulating terrain. The scheme shall also provide for the carrying out of the reinstatement and landscaping operations within a definite period or periods related to the anticipated pace of quarrying operations on the site. Reinstatement and landscaping shall be carried out in accordance with the scheme approved as aforesaid.

6. That a detailed scheme and programme for such works, set out in condition (5), illustrated by a map to a scale of 1"=2500 shall be submitted to the Planning Authority by the developers and shall be agreed between the developers and that Authority. This scheme shall show the proposed location and extent of belts of trees and shrubs to be planted in order to provide effective screening of the development when viewed from the public roads, on the perimeter of the site and shall indicate the timescale for the carrying out of the planting. Planting shall be carried out in accordance with the scheme approved, as aforesaid.
7. That existing or proposed trees or shrubs on the site, which provide, or will provide, screening of the development, shall not be destroyed or removed without the prior agreement of the Planning Authority. In the event of natural failure of any such screening, steps shall be taken to replace it.

6. In the interest of the visual amenities of the area.

7. In the interest of the visual amenities of the area.

Continued

*ACK*  
For Senior Administrative Officer

# DUBLIN COUNTY COUNCIL

PLANNING DEPARTMENT,  
46-49 DAME STREET,  
DUBLIN 2

Notification of Grant of Permission/~~Approval~~  
Local Government (Planning and Development) Act, 1963

Decision Order Number and Date: **P/1885/76 18/6/76**  
Register Reference No.: **H. 2603**  
Planning Control No.: **15310**  
Application Received on: **3/12/75**  
Add. Inf. recd.: **21/4/76**

**Keeney & Partners.**  
**Fitzwilliam St.,**  
**J. Fitzpatrick.**

PERMISSION/~~APPROVAL~~ has been granted for the development described below subject to the undermentioned conditions:

**re-opening of stone quarry at Ballinascorney Upper.**

Conditions	Reasons for Conditions
<p>8. That not less than 24-hours advance notice of each explosion to be carried out shall be given to occupants of lands adjoining the site. Explosions shall be limited to the hours between 8 a.m. to 6 p.m. and the best practicable means shall be used to minimise the degree of nuisance caused by explosions, such means to include the proper management of the operations, regard being had to the timing and frequency and the use of the most careful blasting techniques. That any necessary land required for road improvement purposes be reserved as such and made available to the County Council. The applicant must fully discuss and agree with the Roads Engineer any necessary road improvement works along the site frontage before any development commences. The developers must agree the access arrangements and any alternative access required with the Roads Engineer. Suitable vision splays (300-ft.) and adequate truck movement storage, together with off-street car parking arrangements are also to be agreed with the Roads Department. The developers must also agree any necessary contribution arrangements for the repair of any damage to adjacent public roads, resulting from abnormal traffic circulation caused by the developers before quarrying commences.</p> <p>10. Quarrying and other ancillary operations shall be contained within the working area of the site, as shown on drawing No. 2.</p>	<p>8. To minimise nuisance and injury to the amenities of the area resulting from noise.</p> <p>9. In the interest of the proper planning and development of the area.</p> <p>10. In the interest of the general amenities of the area.</p> <p style="text-align: right;">Continued:</p>

on behalf of the Dublin County Council:

*[Signature]*  
for Senior Administrative Officer  
Date: **22nd July, 1976**

Form 4

Approval of the Council under Building Bye-Laws must be obtained before the development is commenced and the terms of approval must be complied with in the carrying out of the work.

10. submitted on 3rd December, 1975, and no machinery or debris shall be placed on other parts of the site or on any public road.

11. That for each acre of land to be disturbed by quarrying and other ancillary operations, security by way of bond, guarantee or cash deposit at the rate of £250 per acre shall be given to the Planning Authority before operations in relation to that area shall be commenced to ensure the satisfactory completion of reinstatement and landscaping works. The amount of security per acre shall be adjusted as necessary to allow for cost variations taking the rates, current at the date of this order, for horticultural and general landscape work as a base. The conditions under which such security to be given and held (including provision for the investment of any moneys ~~with~~ deposited with the Planning Authority, payment of interest thereon, and repayment by the Planning Authority of any moneys held by them on the satisfactory completion by the developers of the reinstatement and landscaping work to which the particular deposit related) shall be agreed between the developers and the Planning Authority

12. That this permission excludes readymix concrete and asphalt preparation productions and operation on these lands.

13. That before development commences, Building Bye-laws approval shall be obtained, and any conditions of such approval shall be observed in the development.

11. To ensure restoration an appearance with other land vicinity.

12. In the interest of the proper planning and development of the area.

13. In order to comply with the Sanitary Services Acts, 1878 - 1964.

*[Signature]*  
For Senior Administrative Officer

**REGISTER REFERENCE: TA.766**

**PROPOSED: INSTALLATION OF A MIXING PLANT FOR  
BITUMINOUS MATERIALS**

**REFUSED PLANNING PERMISSION ON APPEAL**

# COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 <b>PLANNING REGISTER</b>	REGISTER REFERENCE TA. 766
1. LOCATION	Ballinascorney Upper Quarry <span style="float: right; font-size: 2em;">S.</span>	
2. PROPOSAL	Mixing Plant	
3. TYPE & DATE OF APPLICATION	TYPE	Date Received
	P.	23.4.80
		Date Further Particulars
		(a) Requested
		(b) Received
		1. ....
		2. ....
4. SUBMITTED BY	Name Mr. J. Barnett & Co.,	
	Address Quarryview, Barnhill Grove, Dalkey, Co. Dublin	
5. APPLICANT	Name Mr. J. Fitzpatrick,	
	Address Coblgreine, Rushbrook, Co. Cork	
6. DECISION	O.C.M. No. PA/1286/80	Notified 20th June 1980
	Date 19th June 1980	Effect To refuse permission,
7. GRANT	O.C.M. No.	Notified
	Date	Effect
8. APPEAL	Notified 21st July 1980	Decision Permission refused by
	Type 1st Party,	Effect An Bord Pleanála, 6th April, 1981
9. APPLICATION SECTION 26 (3)	Date of application	Decision
		Effect
10. COMPENSATION	Ref. in Compensation Register	
11. ENFORCEMENT	Ref. in Enforcement Register	
12. PURCHASE NOTICE		
13. REVOCATION or AMENDMENT		
14.		
15.		
16.		
Prepared by .....		Copy issued by.....Registrar.
Checked by .....		Date.....
Grid Ref.	O.S. Sheet	Co. Accts. Receipt No.....

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Dublin

Planning Register Reference Number: T.A. 766

APPEAL by John Fitzpatrick, of Coolgreine, Rushbrook, County Cork, against the decision made on the 19th day of June, 1980, by the Council of the County of Dublin deciding to refuse permission for the installation of a mixing plant for bituminous materials on a site at Ballinascorney Upper, Brittas, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, permission is hereby refused for the installation of the said mixing plant for the reasons set out in the Schedule hereto.

SCHEDULE

Having regard to the fact that the permission for quarrying operations on the site (Planning Register Reference Number: H.2603) is a temporary one which expires on 30th June, 1981, the Board considers that it would be contrary to the proper planning and development of the area and inconsistent with the principles of orderly planning to grant permission for a substantial plant which is expressly stated to be related to the said quarrying and ancillary thereto.



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

Dated this 6th day of April, 1981

# DUBLIN COUNTY COUNCIL

Telephone 724755  
Ext.: 262/264

PLANNING DEPARTMENT  
Block 2  
Irish Life Centre  
Lower Abbey Street  
Dublin 1

## NOTIFICATION OF A DECISION TO REFUSE:

~~GRANTING PERMISSION~~ : PERMISSION : ~~APPROVAL~~  
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 & 1976

To:  
John Barnett & Co.,  
Quarryview,  
Barnhill Grove,  
Dalkey,  
Co. Dublin.

Register Reference No. T.A. 766/80.  
Planning Control No. 15310.  
Application Received . 23/4/80.  
Additional Inf. Recd.

APPLICANT John Fitzpatrick

In pursuance of its functions under the above mentioned Acts the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order, P/ A/1286/90, dated 19/6/80, decide to refuse:

~~GRANTING PERMISSION~~ PERMISSION ~~APPROVAL~~

For proposed mixing plant for Bituminous Materials at Ballinascorney Upper, Quarry.

for the following reasons:

1. The site is located in an area zoned "high amenity open Space" in the Development Plan. Industry now proposed would contravene materially this objective, would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.
2. The proposed development would contravene materially condition Nos. 1 and 2 of Order No. P/1885/76, dated 18/6/76 (Reg. Ref. H. 2603) where a decision to grant temporary permission for the re-opening of an existing stone quarry on these lands was made by the Council, would not be in accordance with the proper planning and development of the area.
3. The proposed industrial development would endanger public safety by reason of traffic hazard because of the generation of additional heavy vehicular traffic movements to and from the site onto the adjoining substandard road network.

Signed on behalf of the Dublin County Council .....  
for PRINCIPAL OFFICER

Date..... 20th June, 1980.

NOTE: An appeal against the decision may be made to An Bord Pleanála 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 should be made in writing and shall state the subject matter of the appeal and grounds of the appeal and should be addressed to An Bord Pleanála, Holbrook House, Holles Street, Dublin 2 and accompanied by a deposit of £10. When an appeal has been duly made and has not been withdrawn An Bord Pleanála will determine the application for permission as if it had been made to them in the first instance.

**REGISTER REFERENCE: WA.897**  
**PROPOSED: RETENTION OF A QUARRY**  
**PLANNING PERMISSION REFUSED ON APPEAL**

# COMHAIRLE CHONTAE ÁTHA CLIATH

P. C. Reference	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER	REGISTER REFERENCE WA 897
1. LOCATION	Ballinascorney Upper, Co. Dublin. <span style="float: right; font-size: 2em;">S</span>	
2. PROPOSAL	Ret. of use of site as quarry,	
3. TYPE & DATE OF APPLICATION	TYPE	Date Received
	P	13th May, 1981
	(a) Requested	Date Further Particulars (b) Received
	1. 10th July, 1981	1. 1/9/81
	2. ....	2. ....
4. SUBMITTED BY	Name <b>John Barnett,</b>	
	Address <b>"Quarryview," Barnhill Grove, Dalkey, Co. Dublin.</b>	
5. APPLICANT	Name <b>John Fitzpatrick,</b>	
	Address <b>Coolgreine, Rushbrooke, Co. Cork,</b>	
6. DECISION	O.C.M. No. PA/2654/81	Notified <b>30th Oct., 1981</b>
	Date <b>30th Oct., 1981</b>	Effect <b>To refuse permission,</b>
7. GRANT	O.C.M. No. ....	Notified .....
	Date .....	Effect .....
8. APPEAL	Notified <b>1st Dec., 1981</b>	Decision <b>Permission refused by An Bord Pleanála,</b>
	Type <b>1st Party,</b>	Effect <b>11th Aug., 1982</b>
9. APPLICATION SECTION 26 (3)	Date of application	Decision
		Effect
10. COMPENSATION	Ref. in Compensation Register	
11. ENFORCEMENT	Ref. in Enforcement Register	
12. PURCHASE NOTICE		
13. REVOCATION or AMENDMENT		
14.		
15.		

Prepared by .....	Copy issued by ..... Registrar.
Checked by .....	Date .....
	Co. Accts. Receipt No .....

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Dublin


Planning Register Reference Number: W.A. 897

APPEAL by John Fitzpatrick of Coolgreine, Rushbroöke, County Cork, against the decision made on the 30th day of October, 1981, by the Council of the County of Dublin deciding to refuse permission for development of land as a quarry at Ballinascorney Upper, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, permission is hereby refused for the said development for the reasons set out in the Schedule hereto.

SCHEDULE

1. It is an objective of the planning authority as expressed in the Dublin County Development Plan to preserve the area in which the land is located as one of high amenity. This objective is considered reasonable and the proposed development would conflict with it and be seriously injurious to the amenities of the area.
2. The proposed development would endanger public safety by reason of traffic hazard as it would generate additional heavy vehicular movements on the existing inadequate road network in the area.
3. The proposed development would be likely to lead to pollution of waters in the catchment area of the River Dodder and would therefore be prejudicial to public health.



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

Dated this 11<sup>th</sup> day of August, 1982.



1494

WAS97

John Barnett,  
"Quarryview",  
Barnhill Grove,  
Balkey,  
Co. Dublin.

10th July, 1981.

re/ Proposed retention of quarry at Ballinascorney Upper for J. Fitzpatrick.

Dear Sir,

With reference to your planning application received here on 13th May, 1981 in connection with the above, I wish to inform you that before the application can be considered under the Local Government (Planning and Development) Acts, 1963 and 1976 the following additional information must be submitted in quadruplicate :-

1. A working drawing showing existing and finished contours for the area where the proposed quarrying activities are to take place.
2. A geological and hydrogeological survey of the proposed quarrying site should be carried out and the resultant data should be submitted with plans and sections of the site.
3. A general description of the "infill materials" - which the applicant intends to use to reclaim the worked out quarry - to include: (a) nature (solid?, liquid? etc.) (b) appearance (colour etc) and give a detailed description of the process/activity which give rise to this waste.
4. An accurate estimate of the amount of material it is proposed to excavate and the proposed programme for the carrying out of such works.
5. State the cubic capacity of the quarry and the percentage which has already been worked out.
6. State the means by which the infill waste is to be transported and the steps to be taken to be taken to prevent spillage on public roads.
7. Specify any special hazards for the handling/disposal of the infill waste.
8. Specify any relevant parameters/concentrations in relation to the composition of the infill waste.
9. Submit a phased working programme which specifies the proposed time scale for the completion of the various stages of the proposed development including the overall completion date and details of the final treatment of the surface of the filled area. This should include a detailed scheme and programme for landscaping and reinstatement works illustrated on a map to a scale of 1:2500.

Over/.....

Contd./.....

- 2 -

10. Details of proposals for the protection of the stream from storm water runoff from the site and particularly from spillage areas.
11. Evidence to ensure that the proposed development will not contravene any of the provision of the Water Pollution Act.
12. Evidence that agreement has been reached with the Council's Roads Department regarding any necessary land required for road improvements.
13. Evidence of agreement with the Council's Roads Department regarding the access arrangements and any alternative access required. This will include suitable vision splays and adequate space for truck movement and storage together with necessary off street car parking.

Please mark your reply "Additional Information" and quote the Reg. Ref. No. given above.

Yours faithfully,

  
\_\_\_\_\_  
for Principal Officer

**REGISTER REFERENCE: WA.898**

**PROPOSED: RETENTION OF A QUARRY WITH MIXING PLANT  
RETENTION PLANNING PERMISSION REFUSED**

**NOTIFICATION OF WITHDRAWEL OF APPEAL WAS RECEIVED  
FROM AN BORD PLEANALA ON 27 NOVEMBER 1981.**

# COMHAIRLE CHONTAE ÁTHA CLIATH

P. C. Reference	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER	REGISTER REFERENCE WA 898					
1. LOCATION	Ballinascorney Upper, Co. Dublin. <span style="float: right; font-size: 2em;">S</span>						
2. PROPOSAL	Ret. of quarry with mixing plant,						
3. TYPE & DATE OF APPLICATION	TYPE	Date Received	Date Further Particulars				
			(a) Requested                      (b) Received				
	P	13th May, 1981	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1. ....</td> <td style="width: 50%;">1. ....</td> </tr> <tr> <td>2. ....</td> <td>2. ....</td> </tr> </table>	1. ....	1. ....	2. ....	2. ....
1. ....	1. ....						
2. ....	2. ....						
4. SUBMITTED BY	Name <b>John Barnett &amp; Co.,</b> Address <b>"Quarryview, Barnhill Grove, Dalkey, Co. Dublin.</b>						
5. APPLICANT	Name <b>John Fitzpatrick,</b> Address <b>Coolgreine, Rushbrooke, Co. Cork,</b>						
6. DECISION	O.C.M. No. PA/1493/81	Notified	10th July, 1981				
	Date 10th July, 1981	Effect	To refuse permission,				
7. GRANT	O.C.M. No.	Notified					
	Date	Effect					
8. APPEAL	Notified 27th July, 1981	Decision					
	Type 1st Party, APPEAL	Effect	<b>WITHDRAWN</b>				
9. APPLICATION SECTION 26 (3)	Date of application	Decision					
		Effect					
10. COMPENSATION	Ref. in Compensation Register						
11. ENFORCEMENT	Ref. in Enforcement Register						
12. PURCHASE NOTICE							
13. REVOCATION or AMENDMENT							
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Prepared by ..... Checked by .....	Copy issued by ..... Registrar. Date ..... Co. Accts. Receipt No .....
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# An Bord Pleanála

PL 16/05/89

*see  
submit*

Floor 3, Blocks VI & VII,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1.  
Telephone (01)728011.

Dublin Co.  
Block 2,  
Irish Life Centre

Date 26-11-81

Your Ref WA 898-

Appeal re Retention of quarry & mining plant at  
Bullinaseen, Upper, for John F. Fitzpatrick

A Chara,

The above-mentioned appeal under the Local Government (Planning and Development) Acts, 1963 and 1976, has been withdrawn.

Mise, le meas,

*B. P. Sullivan*

*Final Grant-7*

DUBLIN COUNTY  
PLANNING  
RECEIVED  
27 NOV 1981

PA 30

APPENDIX 6  
S.261A PUBLIC NOTICE

## 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@sdblincoco.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](http://www.sdcc.ie)

# Former NIB director has exclusion quashed

## Disqualification order not valid, rules Supreme Court

MARY CARLON

AN ORDER disqualifying a former director of National Irish Bank (NIB) from involvement in managing any company for six years over "lack of a proper standard of conduct" is the least during his period of office but was quashed by the Supreme Court.

The court said the order was made against him by the High Court in 2009. A disqualification order is made against a director if he or she is found to be guilty of a "lack of proper standard of conduct" in the course of his or her duties as a director. The court said the order was made against Mr. Sheehan in 2009. A disqualification order is made against a director if he or she is found to be guilty of a "lack of proper standard of conduct" in the course of his or her duties as a director.



Mr. Sheehan's disqualification order was quashed by the Supreme Court.

The court said the order was made against him by the High Court in 2009. A disqualification order is made against a director if he or she is found to be guilty of a "lack of proper standard of conduct" in the course of his or her duties as a director. The court said the order was made against Mr. Sheehan in 2009. A disqualification order is made against a director if he or she is found to be guilty of a "lack of proper standard of conduct" in the course of his or her duties as a director.

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

Finance One, the financial services company that includes the National Asset Management Agency among its clients, made a profit after tax and dividends of €92,000 in the year to the end of March. The company's after-tax profit was €92,000, up from €84,320 at the outset of the year. The company's after-tax profit was €92,000, up from €84,320 at the outset of the year. The company's after-tax profit was €92,000, up from €84,320 at the outset of the year.

# Greencore records rise in revenue of 8.7%

ALANNE LYNN

Greencore's revenue rose 8.7% in the year to the end of March, according to the company's annual report. The company's revenue rose 8.7% in the year to the end of March, according to the company's annual report. The company's revenue rose 8.7% in the year to the end of March, according to the company's annual report.

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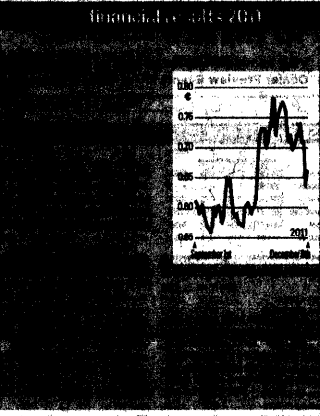
The company's revenue rose 8.7% in the year to the end of March, according to the company's annual report. The company's revenue rose 8.7% in the year to the end of March, according to the company's annual report. The company's revenue rose 8.7% in the year to the end of March, according to the company's annual report.

# Year of relentless activity underpins excellent health of Irish food company

ALANNE LYNN

Greencore's year of relentless activity underpins its excellent health, according to the company's annual report. The company's year of relentless activity underpins its excellent health, according to the company's annual report. The company's year of relentless activity underpins its excellent health, according to the company's annual report.

Greencore's year of relentless activity underpins its excellent health, according to the company's annual report. The company's year of relentless activity underpins its excellent health, according to the company's annual report. The company's year of relentless activity underpins its excellent health, according to the company's annual report.



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

DAVID TEATHER

Living standards are on the slide but executive pay seems out of sync, according to a new report. The report shows that living standards are on the slide but executive pay seems out of sync, according to a new report. The report shows that living standards are on the slide but executive pay seems out of sync, according to a new report.

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# 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, either both or any of the following was required but was not carried out:
  - (a) an environmental impact assessment;
  - (b) a determination as to whether an environmental impact assessment is required;
  - (c) an appropriate assessment;
  - (d) 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 an environmental impact assessment is required, or an appropriate assessment, was required but was not carried out and the Council also decides that:
  - (a) the quarry commenced operation prior to 1 October 1984, or planning permission was granted in respect of the quarry; and
  - (b) 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 requiring him/her to submit an application to an Bord Pleanáil for substitute consent, such application to be accompanied by a remedial environmental impact assessment 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 an environmental impact assessment is required, or an appropriate assessment, was required but was not carried out and the Council also decides that:
  - (a) the quarry commenced operation on or after 1 October 1984 and no planning permission was granted in respect of the quarry; or
  - (b) 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 is required, or an appropriate assessment, was required but was not carried out and the Council also decides 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 [development@sdcc.ie](mailto:development@sdcc.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 under section 154 of the Planning and Development Act 2000 (as amended) shall be a copy of such a notice 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 Pleanáil, without payment of a fee, for a review of a determination or a Section 154 notice, referred to in the notice.
- Frank Nevin  
Director  
Land Use, Economic & Transport Planning Dept  
Web: [www.sdcc.ie](http://www.sdcc.ie)

# 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.



This is the article's web address for reference.

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

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along with transport to destinations in the country. — 2001 Sh — Ireland in 2003.

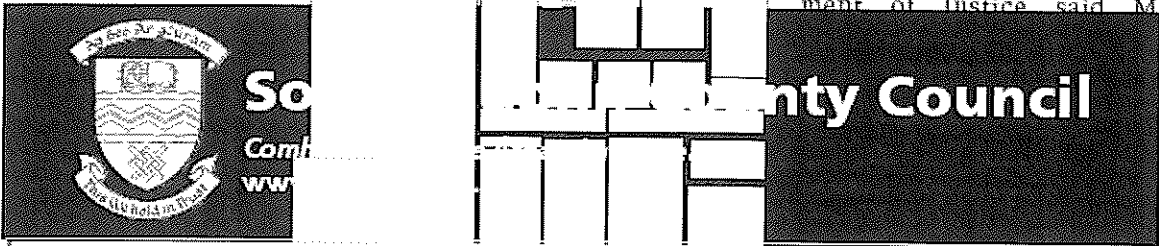
A Nigerian mother of two had appealed to Minister for Justice Michael McDowell to have her case allowed to stay in the State with her four-year-old twins after the Minister refused.

Olivia Agbonlahor (36) was arrested yesterday morning by gardaí who called to Clon

Last night's flight was the third mass deportation of Nigerians this year. In July 46 Nigerians, including 15 children, were deported on a flight to Lagos.

Another 35 Nigerian nationals were deported in March. One of these, Olukunle Elukanlo, was allowed to return to complete his Leaving Certificate after his classmates at Palmerstown Community School, Dublin, organised a campaign seeking his return.

A spokeswoman for the Department of Justice said Mr



**Planning and Development Act 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).

Registrar Ref.	Applicant/Quarry	Details
SDQU05A/1	Shilleagh Quarries Ltd., Aghierrell, Brixia, 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 17) of Section 261 of the Act.
SDQU05A/2	Roadstone Dublin Ltd., Belgard Quarry, Fortunestown, Tullight, Dublin 24.	Planning permission has been granted for this quarry. The Planning Authority is considering retaining, modifying, or adding to, conditions imposed in the operation of the quarry in accordance with subsection 18) of Section 261 of the Act.
SDQU05A/3	Roadstone Dublin Ltd., De Selby Quarry, Treenlands of Corbally & Lismore, 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 17) of Section 261 of the Act.
SDQU05A/4	L. Behan & Sons Ltd., Winderhill Hill, Rathcoola, 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 17) of Section 261 of the Act.
SDQU05A/5	Kibberin Concrete, Ballinascorney.	Planning permission has been granted for this quarry. The Planning Authority is considering retaining

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- [RSS](#)
- [Site](#)
- [16°](#)

	Brima, Co. Dublin.	modifying, or adding to, conditions imposed on the operation of the quarry in accordance with subsection 101 of Section 281 of the Act.
--	-----------------------	---

The following query has not been registered as the Planning Authority consider that it does not come within the scope of Section 281 of the Planning and Development Act, 2000.

Register Ref.	Applicant/Query	Details
SDQU06A15	Bardonia Dublin Ltd, Sallinacorney County, Townland of Sallinacorney Upper, Co. Dublin.	Planning permission has not been granted for this query. The Planning Authority consider that this query does not come within the scope of subsection 11 of Section 281 of the Act.

The Planning Register, which gives details of the above queries, may be inspected at the offices of the Planning Department, South Dublin County Council, County Hall, Tallaght, Dublin 24, from 9:00 am - 4:00 pm on each working day and the applications are available to view on the Council's website [www.southdublin.ie](http://www.southdublin.ie)

Submitters or observers regarding the operation of the above queries may be made to the planning authority within 4 weeks from the date of publication of this notice, and should be addressed to Paddy McManus, Administrative Officer, Planning Department, South Dublin County Council, County Hall, Tallaght, Dublin 24, or by e-mail to [p.mcmanus@southdublin.ie](mailto:p.mcmanus@southdublin.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

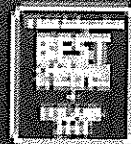
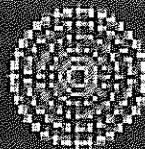
Date: 19th October, 2005

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](http://www.southdublin.ie) for all your information needs



Ability Awards



APPENDIX 7  
AERIAL PHOTOGRAPHY

1971

1978

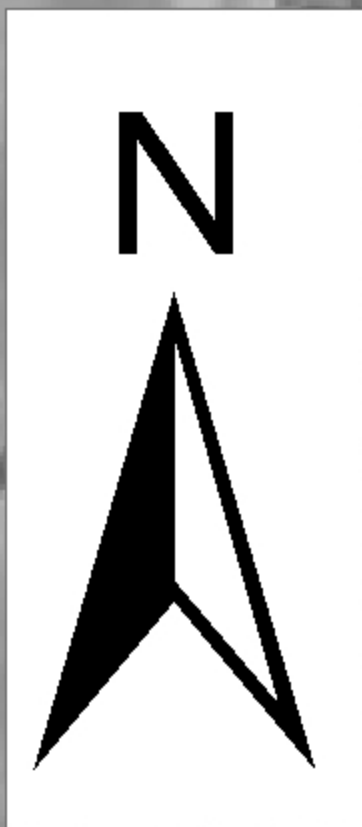
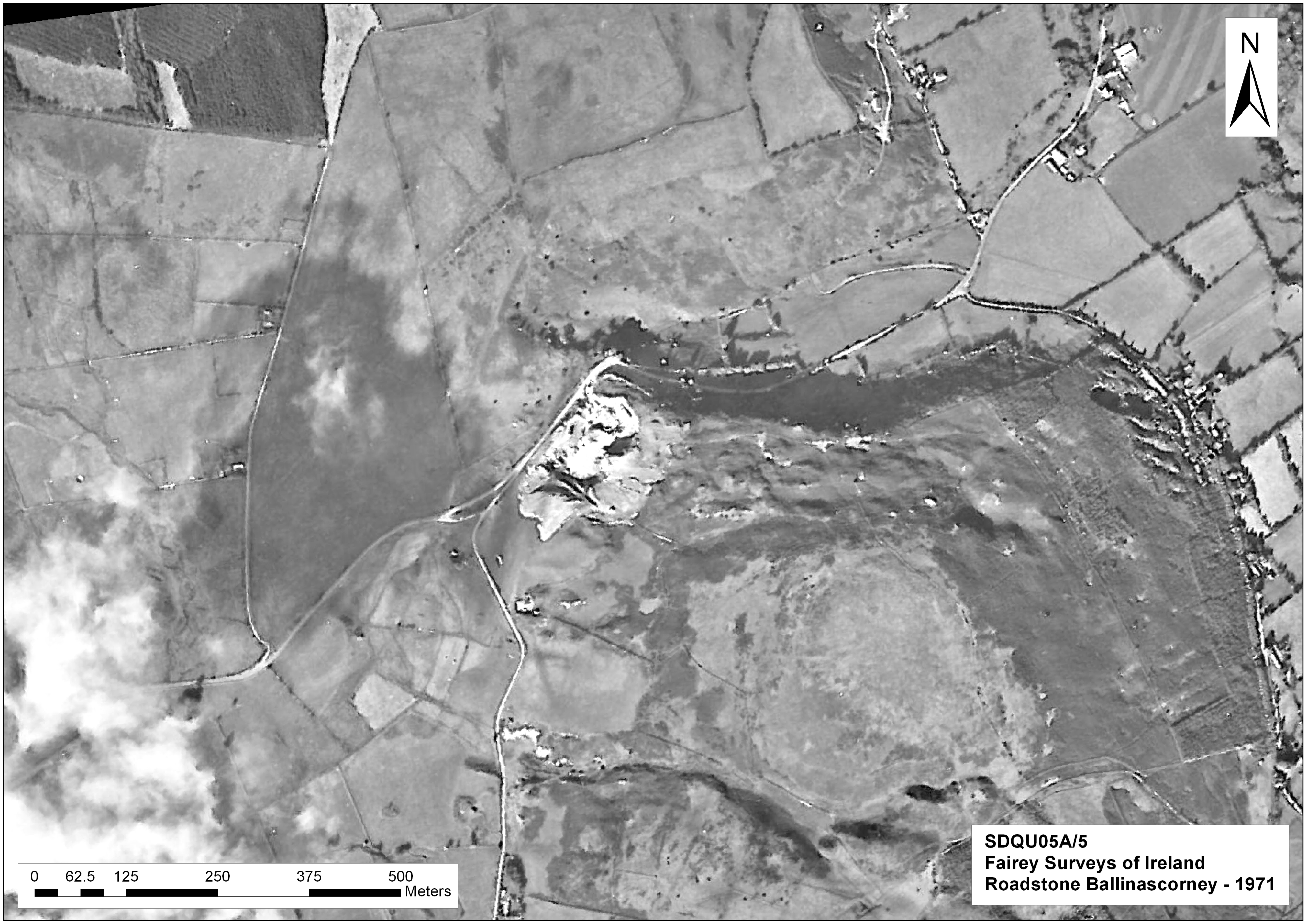
1986

1995

2000

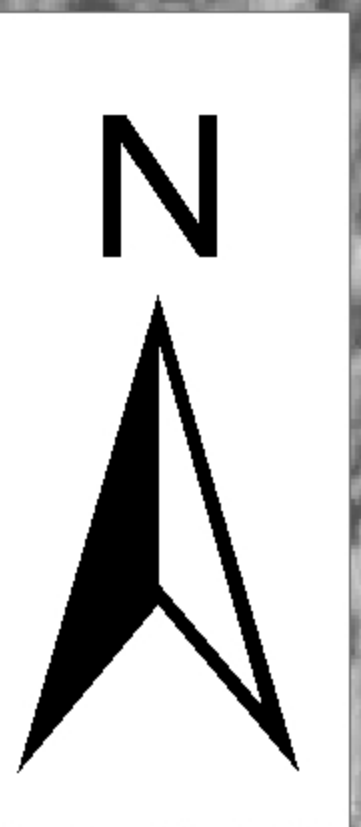
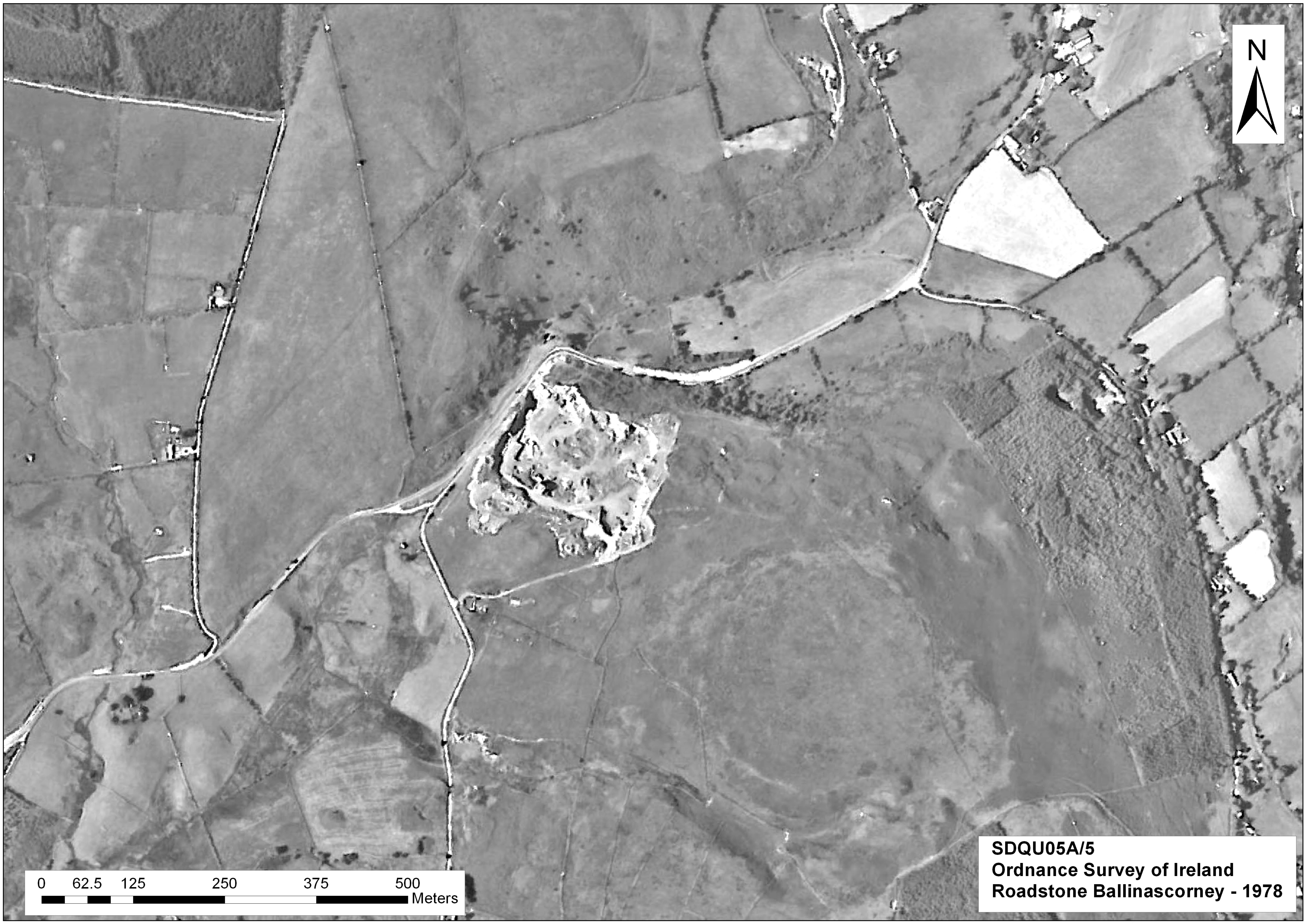
2005

2009



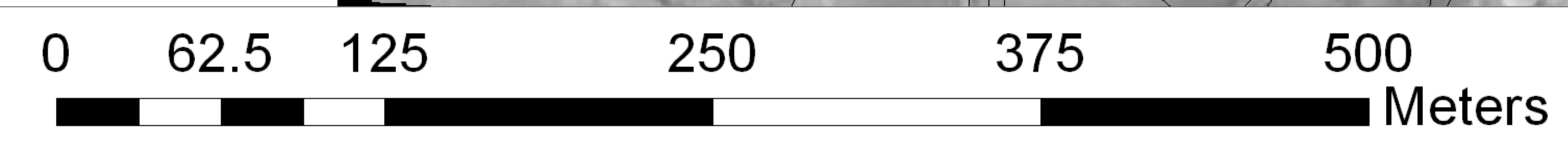
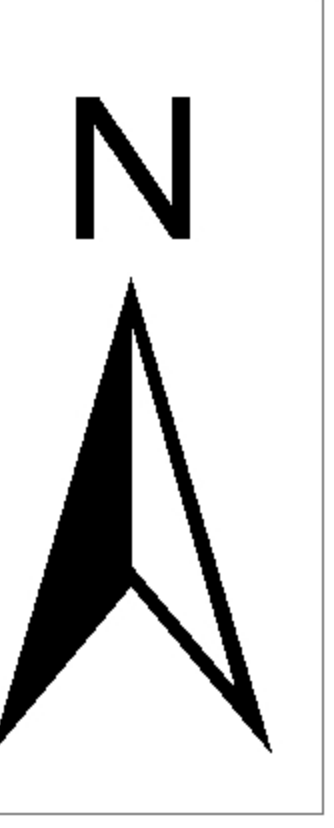
0 62.5 125 250 375 500  
Meters

**SDQU05A/5**  
**Fairey Surveys of Ireland**  
**Roadstone Ballinascorney - 1971**

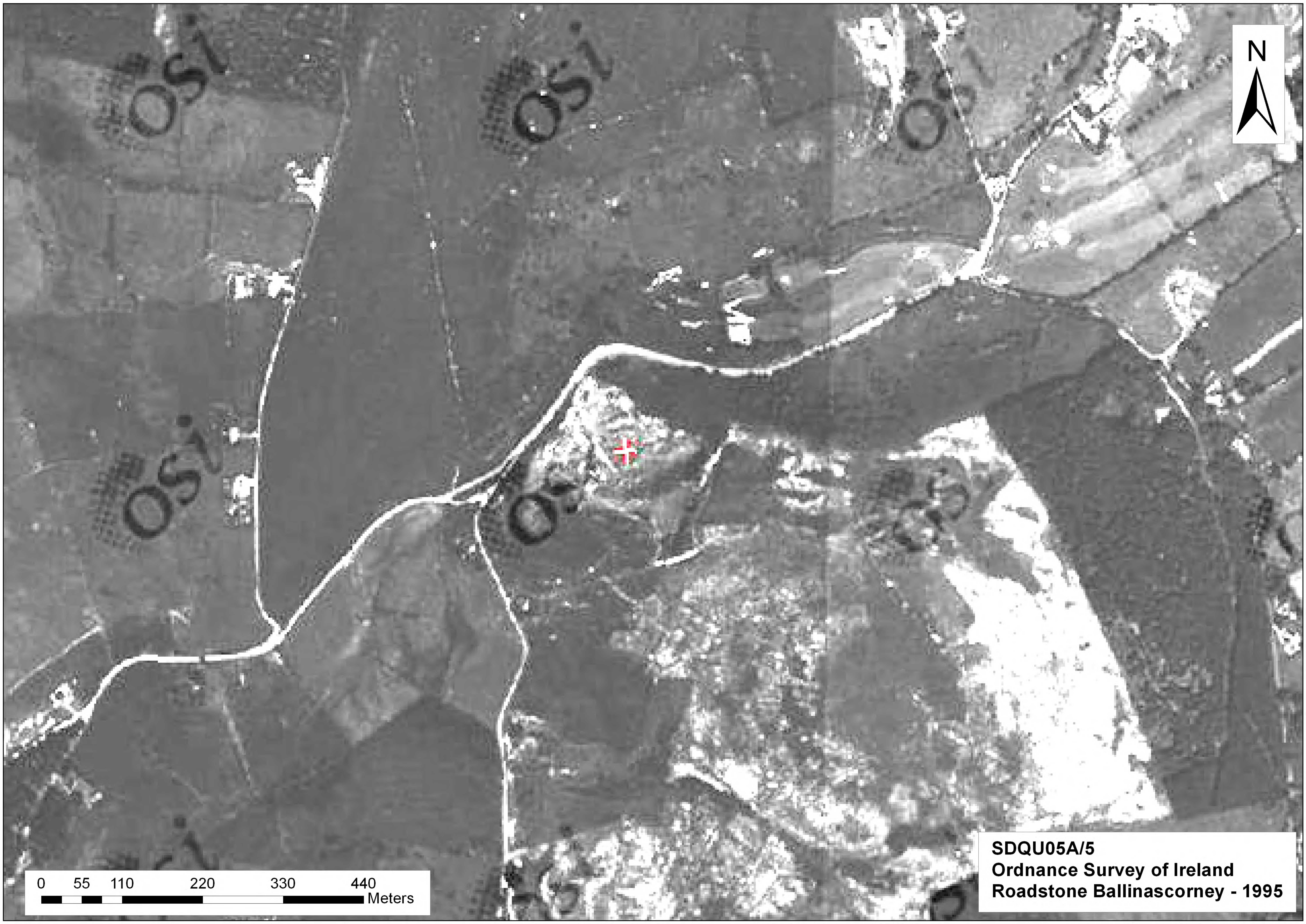


0 62.5 125 250 375 500  
Meters

**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 1978**

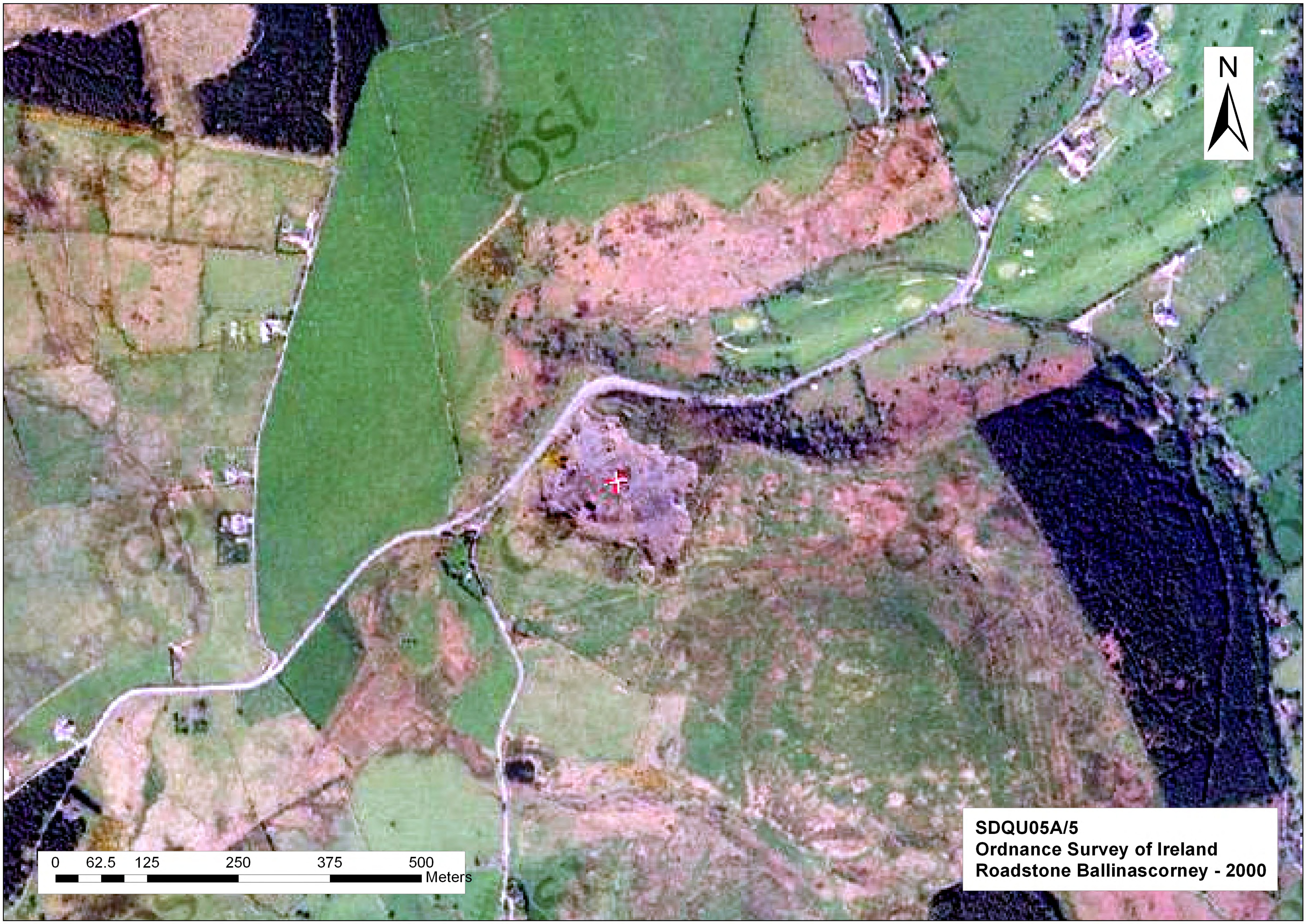


**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 1986**

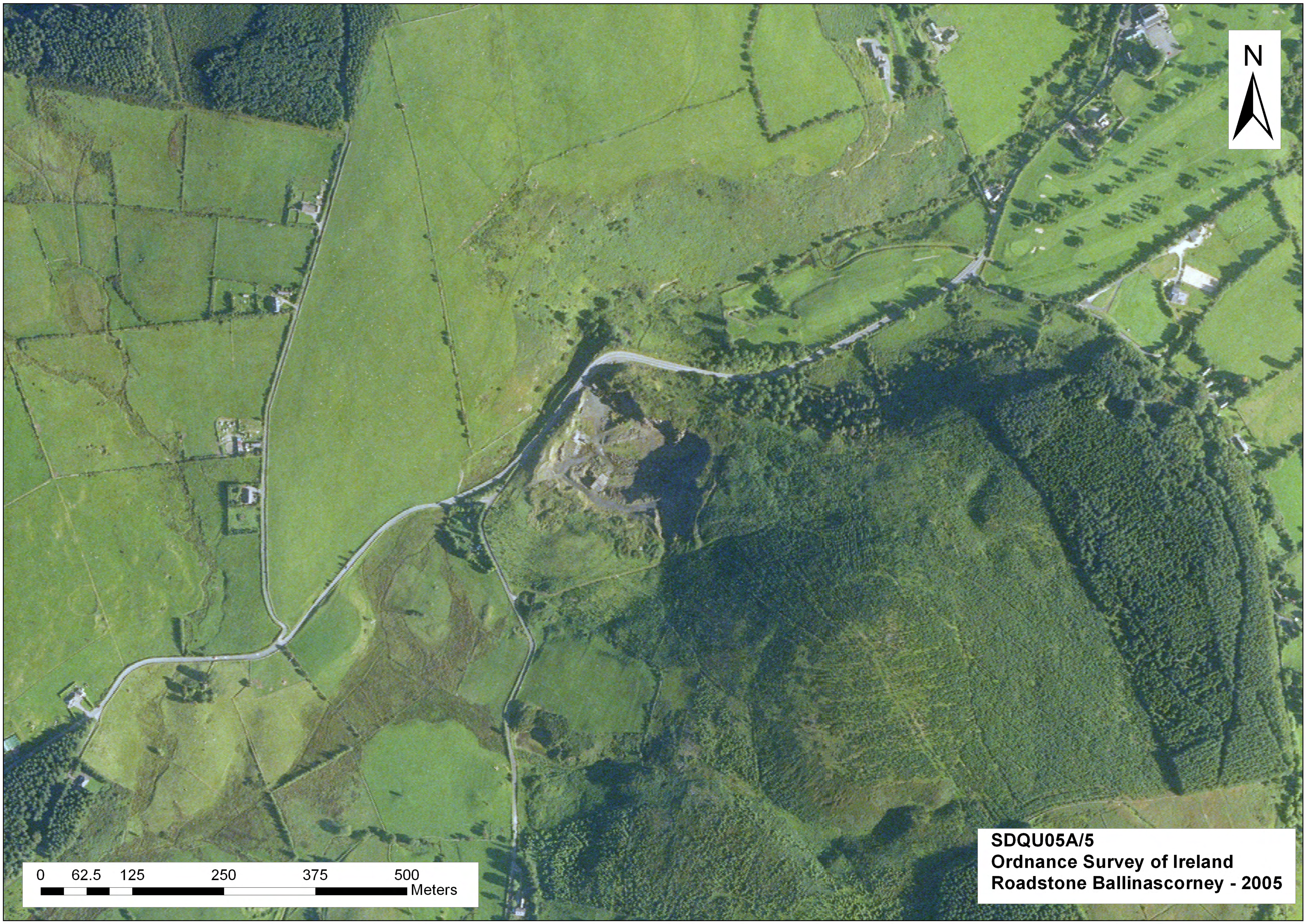


0 55 110 220 330 440  
Meters

**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 1995**

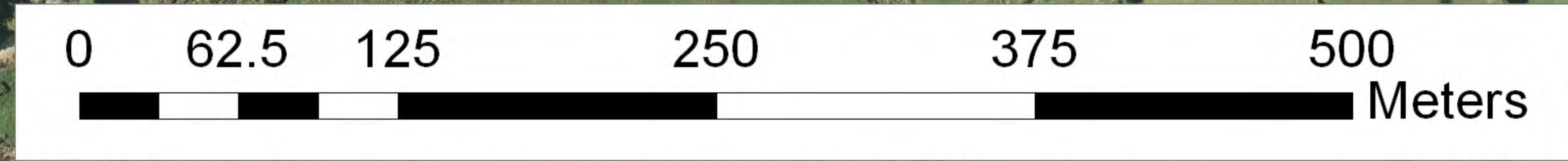


**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 2000**



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Meters

**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 2005**

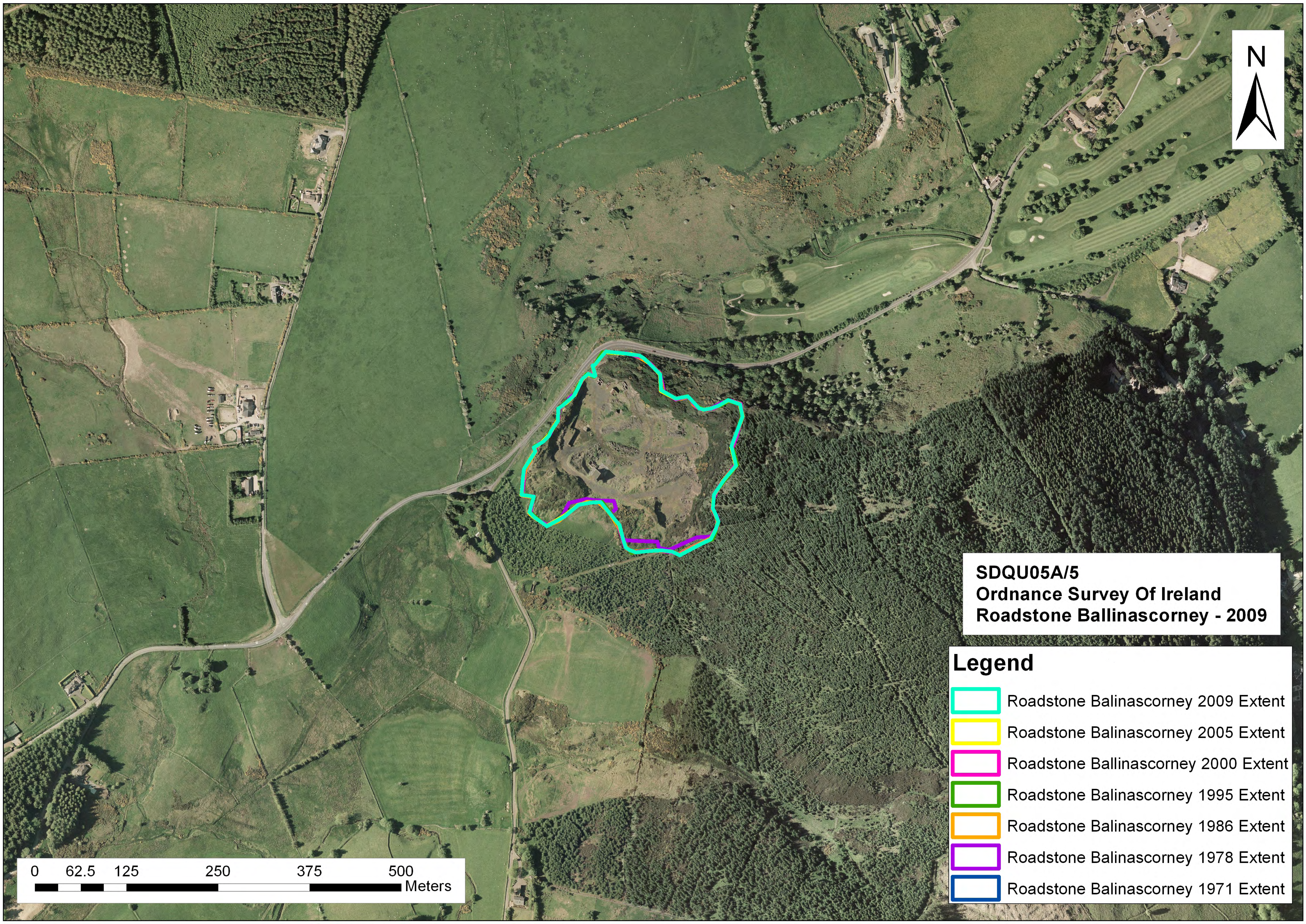


**SDQU05A/5**  
**Ordnance Survey of Ireland**  
**Roadstone Ballinascorney - 2009**



**SDQU05A/5**  
**Ordnance Survey Of Ireland**  
**Roadstone Ballinascorney - 2009**

- Legend**
-  Roadstone Balinascorney 2009 Extent
  -  Roadstone Balinascorney 2005 Extent
  -  Roadstone Ballinascorney 2000 Extent
  -  Roadstone Balinascorney 1995 Extent
  -  Roadstone Balinascorney 1986 Extent
  -  Roadstone Balinascorney 1978 Extent
  -  Roadstone Balinascorney 1971 Extent



APPENDIX 8

ORDNANCE SURVEY SHEET 24-8 SURVEYED 1837, REVISED  
1969 AND EXTRACT FROM SITE LAYOUT, DRAWING REGISTER  
REFERENCE G.1292

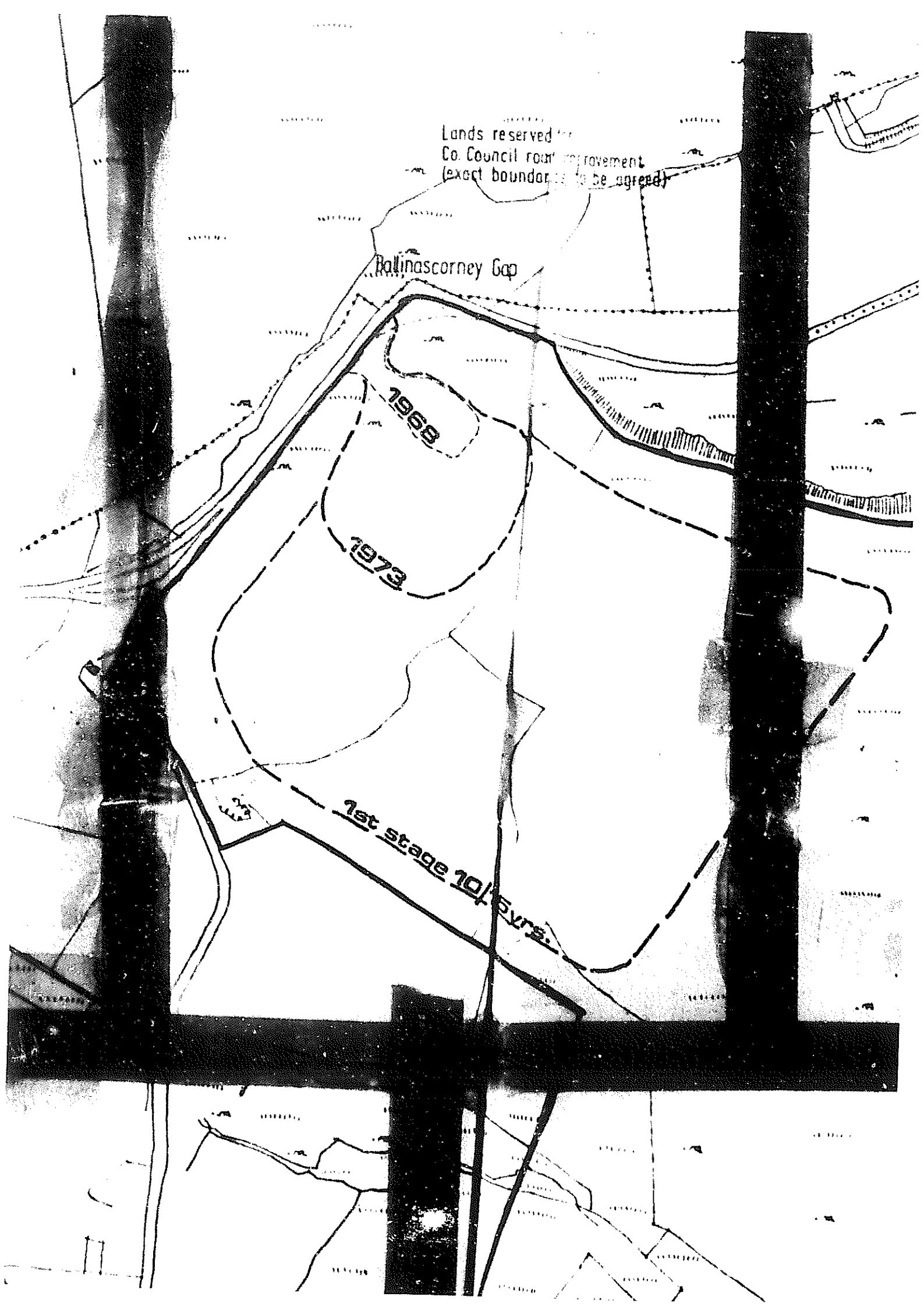
Lands reserved for  
Co. Council road improvement  
(exact boundaries to be agreed)

Rallinascorney Gap

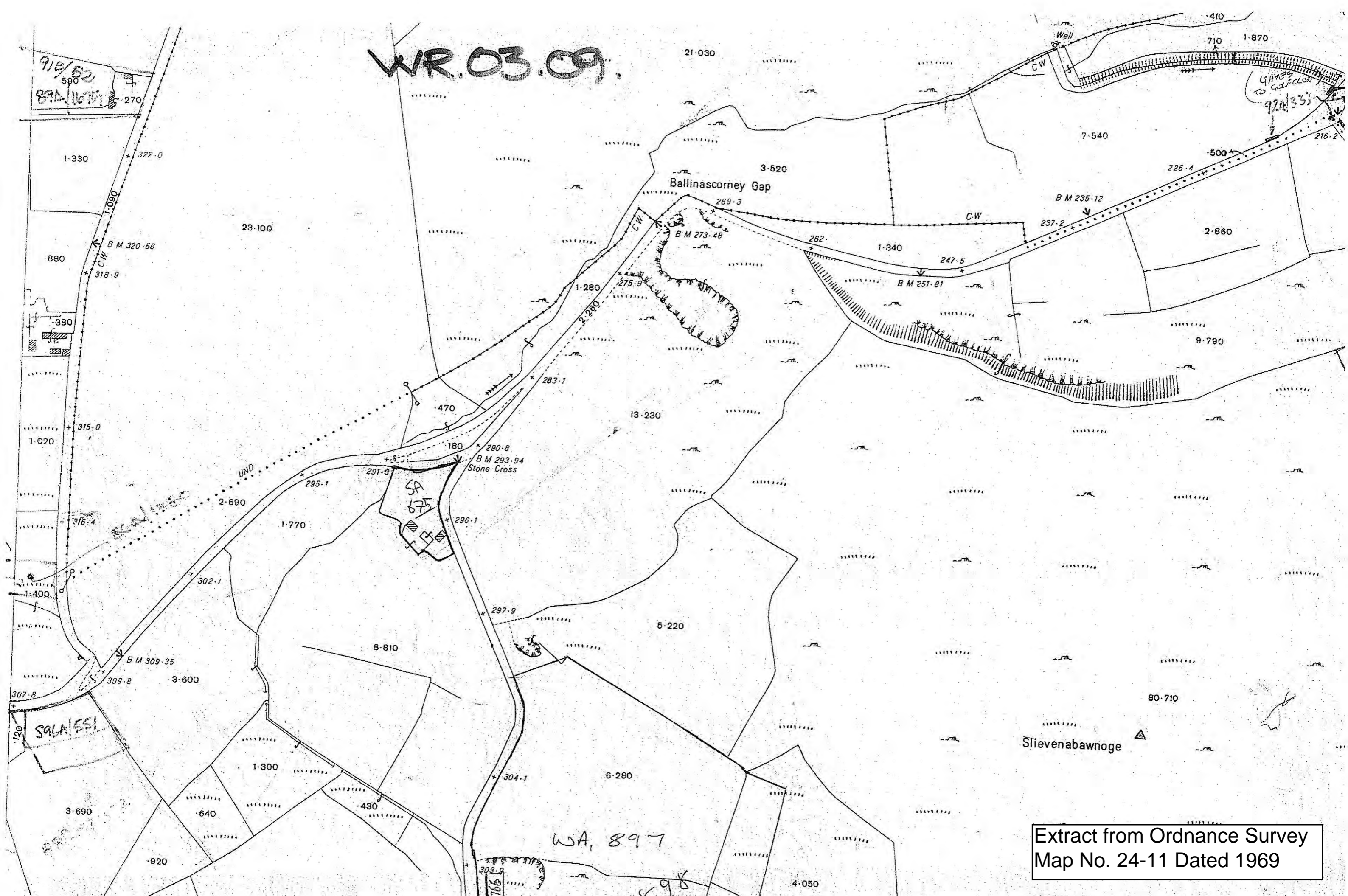
1968

1973

1st stage 10/5yrs.



WR.03.09



Extract from Ordnance Survey  
Map No. 24-11 Dated 1969

APPENDIX 9  
EVIDENCE OF LEASEHOLD INTEREST

REGISTER REFERENCE  
SDQU05A/5

LOCATION  
BALLINSCORNEY QUARRY  
TOWNLAND OF BALLINSCORNEY UPPER,  
CO DUBLIN

APPLICANT  
ROADSTONE DUBLIN LTD



**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:		Shane 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)	Aidan Bagnell, 18 Castlelawn, Athboy, Co. Meath
Location, townland or postal address of quarry	Townland of Ballinascorney Upper

**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 C**

State the Ordnance Survey Map Ref No. and the Grid Reference if available

Folio No(s). of lands on which Quarry is located	Folio 134775F
When were the lands in each Folio acquired for Quarrying purposes.	The lands are leased to Roadstone Dublin Limited.

**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?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(If yes, please quote the reference number of the permission and include a copy if possible)	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 <input checked="" type="checkbox"/> NO <input type="checkbox"/>  See Appendix D
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)	The exact date is unknown

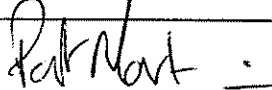
**Details of Quarry Operation**

Are quarry operations currently being carried out on the site?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is the site normally used for quarry operations on a seasonal or occasional basis?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are quarry operations temporarily suspended?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
If YES when were quarry operations last carried out on the site?	Circa 1979	
Total area of Quarry (hectares) including extracted area	47.9	hectares
Type of material being extracted	Dolerite & Slate	
Annual extraction rate (tonnes)	N/A	
Method of extraction	N/A	
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	N/A
	(b) Saturdays	N/A
Loading/Off-site Haulage Hours (if different from above)	(a) Weekdays	N/A
	(b) Saturdays	N/A
Operating hours (outside normal Opening hours) to service exceptional customer requirements:	(a) Weekdays	N/A
	(b) Saturdays	N/A
Give details of the traffic generated by the operation of the quarry?	N/A	
Give type and frequency of vehicles entering and leaving the quarry.	N/A	
Please give details of emissions (noise, dust, water, etc) from the quarry where measurements are available.	N/A	

**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) <sup>2</sup>	DIRECTOR
Date	22/4/05

<sup>2</sup>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 27<sup>th</sup> April 2005 to -**

**Planning Department,  
South Dublin County Council,  
County Hall,  
Town Centre,  
Tallaght,  
Dublin 24.**

APPENDIX 10  
S261 MANAGER'S ORDER AND REGISTRATION APPLICATION

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Manager's Orders

P/022/07

### Sections 261 of the Planning and Development Act, 2000 Quarry at Ballinascorney Upper

Section 261 of the Planning and Development Act 2000 provides for the registration of all quarries in operation on or after the 28<sup>th</sup> April 2004 which either had the benefit of a planning permission granted more than five years prior to that date, or had been in existence prior to the commencement of the Local Government (Planning and Development) Act 1963.

Subsection 261(1) of the Act states:

*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.*

Section 261(11) of the Act states:

*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 five 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 operation of a quarry at Ballinascorney Upper, County Dublin, was received from Roadstone Dublin Limited on 27 April 2005. The information received in respect of the quarry was entered in the Planning Register under Register Reference SDQU05A/5.

The information stated, *inter alia*, that planning permission was not granted for the quarry, that the quarry commenced operations before 1<sup>st</sup> October 1964, that quarry operations are not currently being carried out on the site, that it is not normally used for quarry operations on a seasonal or occasional basis, that quarry operations are temporarily suspended, and that quarry operations were last carried out in 1979.

On further examination it has been determined that the quarry was registered incorrectly as it was not in operation on the appointed day, and it does not therefore come within the scope of subsection 261(11)(b).

By way of a request for further information dated 31 August 2005 Roadstone Dublin Limited were asked to clarify how the quarry could be considered to come within the scope of Section 261. The response to the request for further information stated that the purpose of submitting the application to register the quarry under Section 261 was to define the extractable / reserve area as they wish to recommence quarrying operations at the site when the registration process has been finalised and subject to a future planning permission. The submission did not address the issue of whether the quarry comes within the scope of Section 261.

A notice published in the Irish Times on 19 October 2005 in accordance with subsection 261(4) stated that the Quarry at Ballinascorney Upper, County Dublin, has not been registered as the Planning Authority consider that this quarry does not come within the scope of subsection 261(11) of the Planning and Development Act 2000. The notice invited submissions or

observations to be made to the Planning Authority within a specified period. No submission was received from Roadstone Dublin Limited in respect of the subject quarry.

Entries and corrections in the Planning Register are made under Section 7 of the Planning and Development Act 2000.

Section 7 (1) states:

*A planning authority shall keep a register for the purposes of this Act in respect of all land within its functional area, and shall make all such entries and corrections therein as may be appropriate in accordance with subsection (2), and the other provisions of this Act and the regulations made under this Act.*

Section 7 (2) states, *inter alia*:

*A planning authority shall enter in the register—  
(y) particulars of any information relating to the operation of a quarry provided in accordance with section 261.*

Section 7 (3) states:

*The planning authority shall make the entries and corrections as soon as may be after the receipt of any application, the making of any decision or agreement or the issue of any letter, notice or statement, as appropriate."*

As it has been determined that the information received in respect of the quarry at Ballinascomey Upper, County Dublin, was incorrectly entered in the Planning Register under Register Reference SDQU05A/5, as the quarry was not in operation on the date of commencement of Section 261 and does not therefore come within the scope of subsection 261(11)(b), it is recommended that the Planning Register be corrected in accordance with Section 7 of the Planning and Development Act 2000 by the cancellation of the relevant entry, and that Roadstone Dublin Limited be notified accordingly.

**DATE:** 17/04/2007

Bob Matthews  
**Senior Executive Planner**

**DATE:** 17/04/2007

Michael Kenny  
**Senior Planner**

**ORDER:** The amendment of the Planning Register to cancel the incorrect entry made in respect of the Quarry at Ballinascomey Upper, Register Reference SDQU05A/5, in accordance with Section 261 and Section 7 of the Planning and Development Act 2000, and the service of a notice advising Roadstone Dublin Limited of the amendment of the Planning Register to cancel the incorrect entry, is hereby authorised.

**DATE:** 17/04/2007

Tom Doherty  
**Director of Planning**

The Secretary,  
Roadstone Dublin Limited,  
Fortunestown,  
Tallaght,  
Dublin 24.

17<sup>th</sup> April, 2007

**RE: Sections 261 of the Planning & Development Act 2000  
Roadstone Dublin Limited Quarry at Ballinacorney Upper, County Dublin.**

Dear Sir,

I refer to the information received on 27 April 2005, and further information received 28 September 2005, in respect of the above quarry. The information stated, *inter alia*, that planning permission was not granted for the quarry, that the quarry commenced operations before 1<sup>st</sup> October 1964, that quarry operations are not currently being carried out on the site, that it is not normally used for quarry operations on a seasonal or occasional basis, that quarry operations are temporarily suspended, and that quarry operations were last carried out in 1979.

Subsection 261(1) of the Act states:

*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.*

Section 261(11) of the Act states:

*This section shall apply to –*

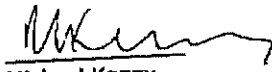
- (a) a quarry in respect of which planning permission under Part IV of the Act of 1963 was granted more than five years before the coming into operation of this section, and*
- (b) any other quarry in operation on or after the coming into operation of this section, being a quarry in respect of which planning permission was not granted under that Part.*

On receipt of information relating to the operation of the above quarry on 27 April 2005, an entry was made in the Planning Register under Register Reference SDQU05A/5 in respect of the quarry. On further examination it has been determined that the quarry was registered incorrectly as it was not in operation on the date of commencement of section 261 and it does not therefore come within the scope of sub-section 261(11)(b).

A notice published in the Irish Times on 19 October 2005 in accordance with subsection 261(4) stated that the subject quarry has not been registered as the Planning Authority consider that the quarry does not come within the scope of subsection 261(11) of the Planning and Development Act 2000.

I wish to advise you therefore that the Planning Register has been corrected to cancel the entry in accordance with Section 261 and Section 7 of the Planning and Development Act 2000 and the above quarry is therefore not a registered quarry under Section 261 of the Planning and Development Act 2000.

Yours faithfully,

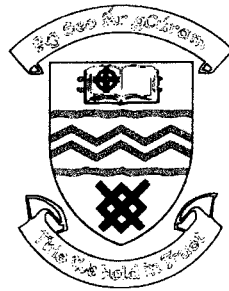


Michael Kenny  
Senior Planner

REGISTER REFERENCE  
SDQU05A/5

LOCATION  
BALLINSCORNEY QUARRY  
TOWNLAND OF BALLINSCORNEY UPPER,  
CO DUBLIN

APPLICANT  
ROADSTONE DUBLIN LTD



**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:		Shane 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)	Aidan Bagnell, 18 Castlelawn, Athboy, Co. Meath
Location, townland or postal address of quarry	Townland of Ballinascorney Upper

**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 C**

State the Ordnance Survey Map Ref No. and the Grid Reference if available

Folio No(s). of lands on which Quarry is located	Folio 134775F
When were the lands in each Folio acquired for Quarrying purposes.	The lands are leased to Roadstone Dublin Limited.

**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?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(If yes, please quote the reference number of the permission and include a copy if possible)	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 <input checked="" type="checkbox"/> NO <input type="checkbox"/>  See Appendix D
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)	The exact date is unknown

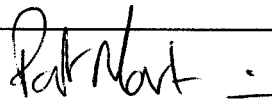
**Details of Quarry Operation**

Are quarry operations currently being carried out on the site?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is the site normally used for quarry operations on a seasonal or occasional basis?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are quarry operations temporarily suspended?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
If YES when were quarry operations last carried out on the site?	Circa 1979	
Total area of Quarry (hectares) including extracted area	47.9	hectares
Type of material being extracted	Dolerite & Slate	
Annual extraction rate (tonnes)	N/A	
Method of extraction	N/A	
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	N/A
	(b) Saturdays	N/A
Loading/Off-site Haulage Hours (if different from above)	(a) Weekdays	N/A
	(b) Saturdays	N/A
Operating hours (outside normal Opening hours) to service exceptional customer requirements:	(a) Weekdays	N/A
	(b) Saturdays	N/A
Give details of the traffic generated by the operation of the quarry?	N/A	
Give type and frequency of vehicles entering and leaving the quarry.	N/A	
Please give details of emissions (noise, dust, water, etc) from the quarry where measurements are available.	N/A	

**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) <sup>2</sup>	DIRECTOR
Date	22/4/05

<sup>2</sup>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 27<sup>th</sup> April 2005 to -**

**Planning Department,  
South Dublin County Council,  
County Hall,  
Town Centre,  
Tallaght,  
Dublin 24.**

## **APPENDIX A**

### **Names of Company Directors**

- A.M. O’Loughlen (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**

**Documentation regarding any Air Pollution or Water Pollution licences issued by the Local Authority in respect of the Quarry should also be submitted**

None.

## **APPENDIX C**

**A site location map to a scale of not less than 1:2500 should also 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) 3452-D, 3453-C, 3513-B, 3514-A

**Grid Reference:-**

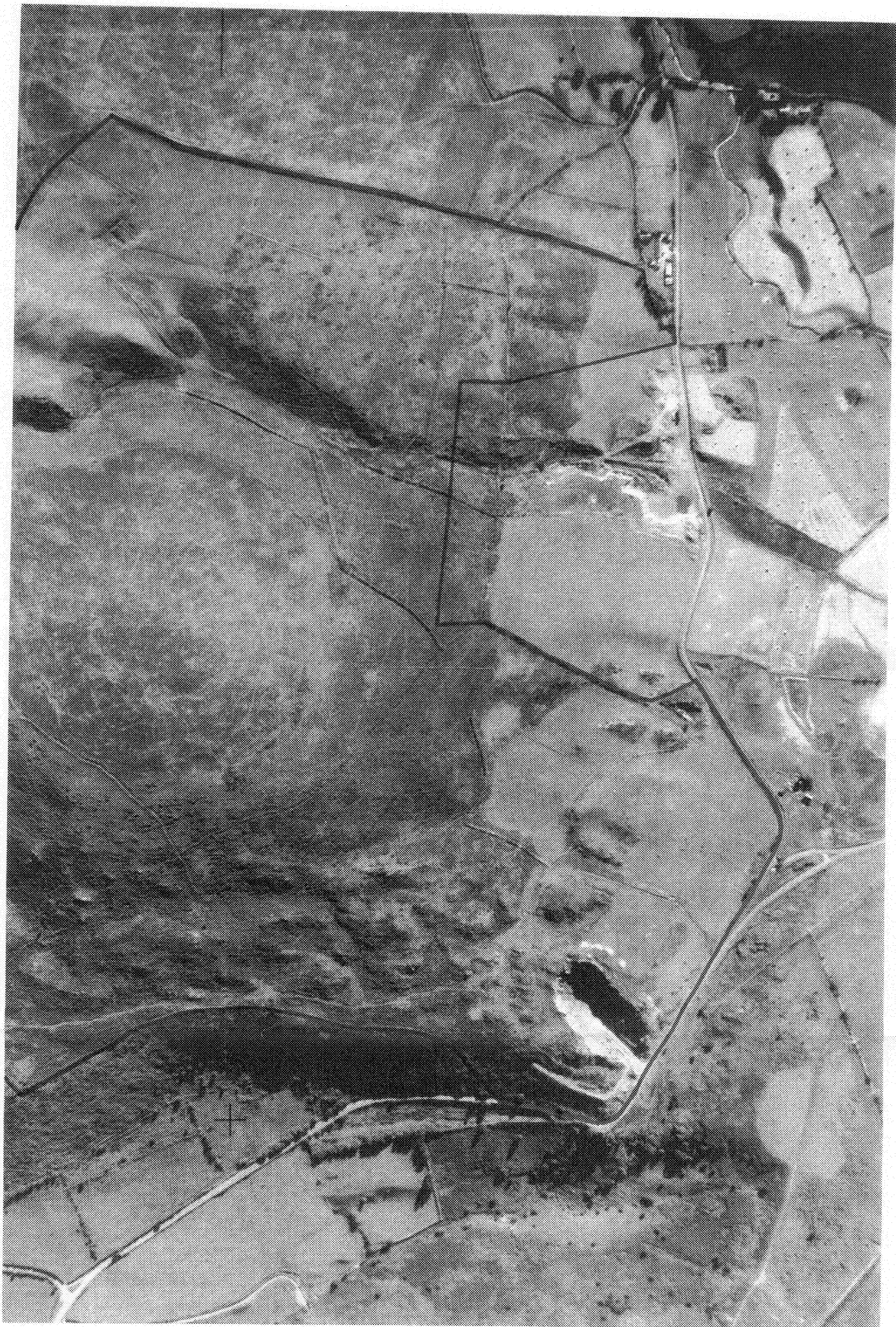
307,600E; 222,750N

## **APPENDIX D**

**Did the quarry commence operation before 1<sup>st</sup> October 1964? If YES, supporting documentary evidence should be submitted with your application.**

The attached Air Corps aerial photograph (Ref. No. V252/55) taken on the 11<sup>th</sup> September 1958 illustrates that the quarry did commence operation before the 1<sup>st</sup> October 1964. Part of the site boundary is shown outlined in red.

The attached 1:10,560 scale Ordnance Survey map (Dublin Sheet 24), which was surveyed in 1837 and revised in 1937, illustrates that the quarry did commence operation before the 1<sup>st</sup> October 1964. The site boundary is shown outlined in red.





**Roadstone Dublin Ltd.**

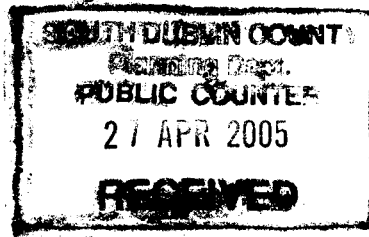
Fortunestown  
Tallaght  
Dublin 24

Tel: (+353 1) 404 1200  
Fax: (+353 1) 404 1321  
web: www.roadstone.ie  
email: info@roadstone.ie

SDQUOSA/5

20<sup>th</sup> 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 – Ballinascorney Quarry**

Dear Sir/Madam,

Please find attached the following registration documentation for our quarry in the Townland of Ballinascorney Upper, Co. Dublin.

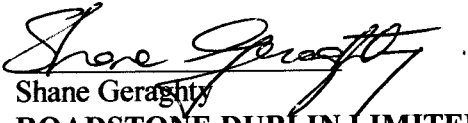
- Completed Registration Form
- 1:2500 Map (See Appendix C – Figure 1)
- List of Company Directors
- Evidence of pre 1<sup>st</sup> October 1964 status

Roadstone Dublin Limited has operated an environmental management system (EMS) since 2001. This EMS covers Ballinascorney Quarry, and would address all of the environmental aspects of quarrying at the site. Our EMS has ISO 14001 accreditation, certified by the NSAI.

**The quarry commenced operations before 1<sup>st</sup> 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.**

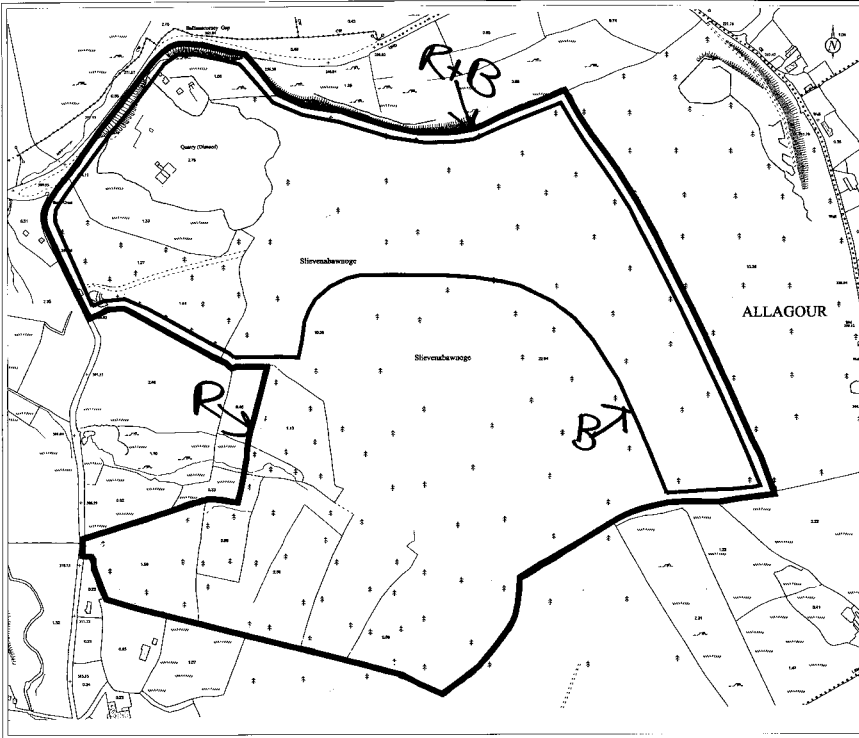
Please confirm receipt of this quarry registration. Any future correspondence in relation to this matter should be addressed to the undersigned at Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24.

Yours faithfully,

  
Shane Geraghty  
**ROADSTONE DUBLIN LIMITED**

Enc.            Copy of Registration Documentation – Ballinascorney Quarry

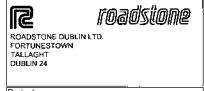




**LEGEND**

- Applicants Interest (c. 47.9ha)
- Extraction Area (c. 21.9ha)


Scale 1:2000  
 0m 500m 1000m  
 Based on 1:2500 scale digital map Sheet No. 3453-C, 3452-D, 3513-B, 3514-A provided by Ordnance Survey Ireland  
 Ordnance Survey Ireland Licence No. SJ/2009/05 (as amended 1/2/2010)



Project:  
**Roadstone Dublin Ltd.**  
*Ballinacorney Upper, Co. Dublin*  
 Section 261 Site Plan

Title:  
**Site Layout Plan**

Figure 1

Author: pmc  
 Date: Mar 2015 Ref: 3371

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](http://www.southdublin.ie)

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

13-May-2005

**SECTION 261 - PLANNING & DEVELOPMENT ACT, 2000**

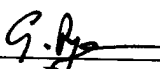
**REGISTRATION OF QUARRIES**

**Register Reference:** SDQU05A/5  
**Location:** Ballinascorney Quarry, Townland Of Ballinascorney Upper, Co. Dublin.  
**Applicant:** Roadstone Dublin Ltd.

Dear Sir/Madam,

With reference to the above, I acknowledge receipt of your application received on 27-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

SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

Halla an Chontae, Lár an Bhaile  
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**Planning Department**  
County Hall, Town Centre  
Tallaght, Dublin 24  
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[www.southdublin.ie](http://www.southdublin.ie)

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

**PLANNING & DEVELOPMENT ACT, 2000 AND PLANNING REGULATIONS THEREUNDER**

<b>Decision Order Number</b>	<b>1953</b>	<b>Date of Decision</b>	<b>30-Aug-2005</b>
<b>Register Reference</b>	<b>SDQU05A/5</b>	<b>Registration Date</b>	<b>27-Apr-2005</b>

**Applicant:** Roadstone Dublin Ltd.  
**Development:** Application for Registration of a Quarry under Section 261 of Planning & Develop  
**Location:** Ballinascorney Quarry, Townland Of Ballinascorney Upper, Co. Dublin.  
**Application Type:** Quarry Registration

Dear Sir /Madam,

With reference to your planning application, received on 27-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. It appears on the basis of the information submitted with the application that this quarry has been out of use for approximately 25 years.

The applicant is requested to indicate how the subject quarry would come within the scope of the registration process under Section 261 of the Planning & Development Act 2000 (as amended), having regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG April 2004).



SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CONTAE 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](http://www.southdublin.ie)

In this regard it is noted that the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG April 2004) page 33 states that, '...quarries which have been abandoned for a considerable amount of time (e.g. several years) will not be able to recommence operations without seeking planning permission. It is not possible to register an abandoned quarry in order to recommence its use.'

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/5

Current Date: 31-Aug-2005

Yours faithfully,

.....  
for **Senior Executive Officer**





**roadstone**

**Roadstone Dublin Ltd.**

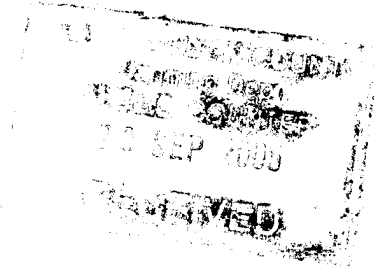
Fortunestown  
Tallaght  
Dublin 24

Tel: (+353 1) 404 1200  
Fax: (+353 1) 404 1321  
web: www.roadstone.ie  
email: info@roadstone.ie

SDQU05A/5  
Add. Info

27<sup>th</sup> 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/5 – Ballinascorney Quarry  
ADDITIONAL INFORMATION**

Dear Sir / Madam,

Further to your letter of 31<sup>st</sup> August 2005 seeking additional information regarding our Section 261 application referred to above, we make the following submission to address the query 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 – Ballinascorney Quarry

1. It appears on the basis of the information submitted with the application that this quarry has been out of use for approximately 25 years.

The applicant is requested to indicate how the subject quarry would come within the scope of the registration process under Section 261 of the Planning & Development Act 2000 (as amended), having regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG April 2004).

In this regard it is noted that the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG April 2004) page 33 states that, '...quarries which have been abandoned for a considerable amount of time (e.g. several years) will not be able to recommence operations without seeking planning permission. It is not possible to register an abandoned quarry in order to recommence its use.'

The purpose of registering Ballinascorney Quarry within the scope of the registration process under Section 261 of the Planning and Development Act 2000 is to define that part of the lands which we consider to be the extractable / reserve area as we wish to recommence quarrying operations at the site when the registration process has been finalised and subject to a future planning permission.

SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

Halla an Chontae, Lár an Bhaile,  
Tamhlacht, Baile Átha Cliath 24.

Telefon: 01-414 9000  
Facs: 01-414 9104  
[www.sdublincoco.ie](http://www.sdublincoco.ie)



PLANNING DEPARTMENT  
County Hall, Town Centre,  
Tallaght, Dublin 24.

Telephone: 01-414 9000  
Fax: 01-414 9104  
[www.sdublincoco.ie](http://www.sdublincoco.ie)

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

**Date:** 29-Sep-2005

**PLANNING & DEVELOPMENT ACT, 2000 AND PLANNING REGULATIONS  
THEREUNDER**

**Register Reference:** SDQU05A/5

**Development:** Application for Registration of a Quarry under Section 261 of  
Planning & Develop

**Location:** Ballinascorney Quarry, Townland Of Ballinascorney Upper,  
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,

  
-----  
for **Senior Executive Officer**



REG REF SDQU05A/5

Ballinascorney Upr.,  
Brittas,  
Co. Dublin.  
2-11-05.

QU-05


Re:- Roadstone Ltd.  
Fortunestown  
Dublin 24.

Dear Sir/Ms,

We are writing to you in connection with the above company's application for registration of a quarry at Ballinascorney Upper, Brittas, Co. Dublin. (Reg. no. SDQU05A/5 dated 28-9-05). We would like to point out that this quarry has been dormant for some considerable time ( we think early 80s when it last functioned as a quarry). We therefore object to the registration of these lands as a quarry.

Yours sincerely

Michael McCoy  
Michael McCoy  
Secretary D.M.C&E.G.

Received 14/11/05  


# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Manager's Orders

P/022/07

### Sections 261 of the Planning and Development Act, 2000 Quarry at Ballinascorney Upper

Section 261 of the Planning and Development Act 2000 provides for the registration of all quarries in operation on or after the 28<sup>th</sup> April 2004 which either had the benefit of a planning permission granted more than five years prior to that date, or had been in existence prior to the commencement of the Local Government (Planning and Development) Act 1963.

Subsection 261(1) of the Act states:

*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.*

Section 261(11) of the Act states:

*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 five 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 operation of a quarry at Ballinascorney Upper, County Dublin, was received from Roadstone Dublin Limited on 27 April 2005. The information received in respect of the quarry was entered in the Planning Register under Register Reference SDQU05A/5.

The information stated, *inter alia*, that planning permission was not granted for the quarry, that the quarry commenced operations before 1<sup>st</sup> October 1964, that quarry operations are not currently being carried out on the site, that it is not normally used for quarry operations on a seasonal or occasional basis, that quarry operations are temporarily suspended, and that quarry operations were last carried out in 1979.

On further examination it has been determined that the quarry was registered incorrectly as it was not in operation on the appointed day, and it does not therefore come within the scope of subsection 261(11)(b).

By way of a request for further information dated 31 August 2005 Roadstone Dublin Limited were asked to clarify how the quarry could be considered to come within the scope of Section 261. The response to the request for further information stated that the purpose of submitting the application to register the quarry under Section 261 was to define the extractable / reserve area as they wish to recommence quarrying operations at the site when the registration process has been finalised and subject to a future planning permission. The submission did not address the issue of whether the quarry comes within the scope of Section 261.

A notice published in the Irish Times on 19 October 2005 in accordance with subsection 261(4) stated that the Quarry at Ballinascorney Upper, County Dublin, has not been registered as the Planning Authority consider that this quarry does not come within the scope of subsection 261(11) of the Planning and Development Act 2000. The notice invited submissions or

observations to be made to the Planning Authority within a specified period. No submission was received from Roadstone Dublin Limited in respect of the subject quarry.

Entries and corrections in the Planning Register are made under Section 7 of the Planning and Development Act 2000.

Section 7 (1) states:

*A planning authority shall keep a register for the purposes of this Act in respect of all land within its functional area, and shall make all such entries and corrections therein as may be appropriate in accordance with subsection (2), and the other provisions of this Act and the regulations made under this Act.*

Section 7 (2) states, *inter alia*:

*A planning authority shall enter in the register—  
(y) particulars of any information relating to the operation of a quarry provided in accordance with section 261.*

Section 7 (3) states:

*The planning authority shall make the entries and corrections as soon as may be after the receipt of any application, the making of any decision or agreement or the issue of any letter, notice or statement, as appropriate."*

As it has been determined that the information received in respect of the quarry at Ballinascorney Upper, County Dublin, was incorrectly entered in the Planning Register under Register Reference SDQU05A/5, as the quarry was not in operation on the date of commencement of Section 261 and does not therefore come within the scope of subsection 261(11)(b), it is recommended that the Planning Register be corrected in accordance with Section 7 of the Planning and Development Act 2000 by the cancellation of the relevant entry, and that Roadstone Dublin Limited be notified accordingly.

**DATE:** 17/04/2007

Bob Matthews  
**Senior Executive Planner**

**DATE:** 17/04/2007

Michael Kenny  
**Senior Planner**

**ORDER:** The amendment of the Planning Register to cancel the incorrect entry made in respect of the Quarry at Ballinascorney Upper, Register Reference SDQU05A/5, in accordance with Section 261 and Section 7 of the Planning and Development Act 2000, and the service of a notice advising Roadstone Dublin Limited of the amendment of the Planning Register to cancel the incorrect entry, is hereby authorised.

**DATE:** 17/04/2007

Tom Doherty  
**Director of Planning**

The Secretary,  
Roadstone Dublin Limited,  
Fortunestown,  
Tallaght,  
Dublin 24.

17<sup>th</sup> April, 2007

**RE: Sections 261 of the Planning & Development Act 2000  
Roadstone Dublin Limited Quarry at Ballinascorney Upper, County Dublin.**

Dear Sir,

I refer to the information received on 27 April 2005, and further information received 28 September 2005, in respect of the above quarry. The information stated, *inter alia*, that planning permission was not granted for the quarry, that the quarry commenced operations before 1<sup>st</sup> October 1964, that quarry operations are not currently being carried out on the site, that it is not normally used for quarry operations on a seasonal or occasional basis, that quarry operations are temporarily suspended, and that quarry operations were last carried out in 1979.

Subsection 261(1) of the Act states:

*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.*

Section 261(11) of the Act states:

*This section shall apply to –*

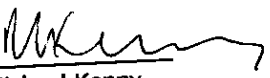
- (a) a quarry in respect of which planning permission under Part IV of the Act of 1963 was granted more than five years before the coming into operation of this section, and*
- (b) any other quarry in operation on or after the coming into operation of this section, being a quarry in respect of which planning permission was not granted under that Part.*

On receipt of information relating to the operation of the above quarry on 27 April 2005, an entry was made in the Planning Register under Register Reference SDQU05A/5 in respect of the quarry. On further examination it has been determined that the quarry was registered incorrectly as it was not in operation on the date of commencement of section 261 and it does not therefore come within the scope of sub-section 261(11)(b).

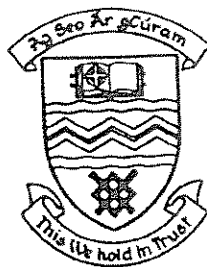
A notice published in the Irish Times on 19 October 2005 in accordance with subsection 261(4) stated that the subject quarry has not been registered as the Planning Authority consider that the quarry does not come within the scope of subsection 261(11) of the Planning and Development Act 2000.

I wish to advise you therefore that the Planning Register has been corrected to cancel the entry in accordance with Section 261 and Section 7 of the Planning and Development Act 2000 and the above quarry is therefore not a registered quarry under Section 261 of the Planning and Development Act 2000.

Yours faithfully,

  
Michael Kenny  
Senior Planner

# SOUTH DUBLIN COUNTY COUNCIL



## INTERNAL MEMORANDUM

### Planning Department

**Date:** 22 September 2006

**To:** Mr Adrian O'Gorman  
Law Agent

**Re:** **Registration of the Roadstone quarry at Ballinascorney**  
Section 261 Planning and Development Act 2000  
Quarry at Ballinascorney, Tallaght: Roadstone Dublin Ltd.  
Register Reference: SDQU05A/5

Further to our meeting on 24 August 2006 re the above I have set out below the issues on which you advised that we should seek counsel's opinion.

#### Application to Register Ballinascorney Quarry

Roadstone submitted an application to register the quarry at Ballinascorney under section 261. The application stated that the quarry commenced operations pre-1964, that it was not in operation at the time of the application, that it is not normally used for quarry operations on a seasonal or temporary basis, that quarry operations are temporarily suspended, and that quarry operations were last carried out in 1979. The quarry does not have the benefit of a planning permission.

On receipt by the Council the application was processed in the same manner as the other applications received:

- The application was received on 27 April 2005 – within the statutory time limit for submission of applications.
- It was acknowledged on 13<sup>th</sup> May 2005.
- By letter dated 31 August 2005 the applicant was requested to submit further information under S261(3).
- A response to the request for further information was received within the time allowed.
- A notice in accordance with S261(4) was published in the press on 19<sup>th</sup> October stating, inter alia, that the above quarry has not been registered as the Planning Authority consider that it does not come within the scope of S261.
- No submission was received from the applicant in respect of the quarry.
- No subsequent action has been taken by the council in respect of this application

### Applicability of Section 261

Section 261 of the Planning & Development Act 2000 requires all owners / operators of quarries to which the section applies to register the quarry by providing details of the quarry operation to the planning authority within one year of the section coming into force.

Section 261 applies, inter alia, to any quarry in operation on or after Section 261 comes into force, and that commenced operation before 1 October 1964, (and which has no planning permission).

Where the owner / operator of a quarry to which the section applies fails to register the quarry the quarry is deemed to be unauthorised.

On registration a quarry that has no planning permission becomes subject to *either*.

- the imposition of conditions by the planning authority within 2 years of registration;
- or*
- a requirement to submit a planning application and EIS where the Planning Authority decide that the continued operation of the quarry, the extracted area of which exceeds 5 hectares or that is situated on certain prescribed or designated lands, would be likely to have significant environmental effects, (which the PA must notify within 1 year of registration).

The Council considered that the quarry at Ballinascorney did not come within the scope of Section 261 and could not be registered as it has been out of operation for approximately 25 years. By way of a request for further information Roadstone were asked to clarify how the quarry could be considered to come within the scope of section 261 having regard to the *Quarries and Ancillary Activities Guidelines for Planning Authorities*.

The *Quarries and Ancillary Activities Guidelines for Planning Authorities* states at page 33: *Failure to register a quarry, or to respond to a request for further information, will have serious consequences for the future of that quarry. From then on, the quarry will be considered an unauthorised development and, as such, may be subject to enforcement proceedings by the planning authority. For that reason, the owner or operator of an existing quarry whose use has been temporarily suspended but is normally in operation, or which is normally used on a seasonal or occasional basis, should register that quarry if they intend to recommence operations at that site. Where this is the case, evidence of that use or the length of time that the operations have been suspended should also be submitted. However, quarries which have been abandoned for a considerable amount of time (e.g. several years) will not be able to recommence operations without seeking planning permission. It is not possible to register an abandoned quarry in order to recommence its use.*

Roadstone responded to the request for further information stating that the purpose of submitting the application to register the quarry under S261 was to define the extractable / reserve area as they wish to recommence quarrying operations at the site when the registration process has been finalised and subject to a future planning permission. The submission did not address the issue of whether the quarry comes within the scope of Section 261.

Our decision not to register the quarry was based on the facts stated in the application that the quarry was not in operation at the relevant time and has not been in operation for approximately 25 years,

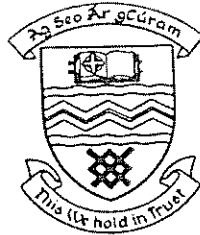
We have not responded to their submission. We have not taken any further action to date on the registration application. There is no provision in S261 regarding how such cases are to be treated.

A statutory notice published in the press on 19<sup>th</sup> October 2005 which detailed the quarries being registered stated that the quarry at Ballinascorney has not been registered as the Planning Authority considers that it does not come within the scope of section 261. No submission was received from Roadstone in response to the public notice in respect of the quarry at Ballinascorney.

**Questions to Counsel**

- |                |  |
|----------------|--|
| <b>Issue 1</b> | <b>Is the quarry abandoned?</b>  |
| <b>Issue 2</b> | <b>Is this quarry legally registered?</b>  |
| <b>Issue 3</b> | <b>If it is legally registered is there any action open to the Council to remove it from the register?</b> |

SOUTH DUBLIN COUNTY COUNCIL



INTERNAL MEMORANDUM

Department: Law

Date: 12 January 2007

Bob Mathews Esquire  
Senior Planner  
Planning Dept

Re: ROA002/0002 Roadstone Ltd Quarry at Ballinascorney

Dear Bob

I enclose herewith a copy of the opinion of Patrick Butler SC.

His view of the position of the quarry under the provisions of the 2000 Act are very clear indeed and may reasonably be taken as an accurate statement of their legal position.

However, the question of abandonment of use is immensely complicated and I strongly advise that we should have a consultation with Mr. Butler.

Yours sincerely,

  
ADRIAN P O'GORMAN  
COUNTY SOLICITOR

Encl

## OPINION

### RE: Registration of a Quarry at Ballinascorney (Roadstone)

I have been asked by Agent to advise South Dublin County Council in relation to the facts set out in the memorandum appended to Agent's letter of the 24<sup>th</sup> of November 2006 submitted by the planning department. The facts set out therein are that Messrs Roadstone Limited own a quarry at Ballinascorney, Tallaght. They applied to South Dublin County Council to register the quarry under Section 261 of the Planning and Development Act 2000. The application was made on the 27<sup>th</sup> of April 2005, and was within the statutory time limit. The Applicant was requested to submit further information under Section 261 (3) on the 31<sup>st</sup> of August 2005. A response was received to that request. On the 19<sup>th</sup> of October South Dublin published a notice in the papers under Section 261 (4) stating that, inter alia, the quarry had not been registered as the planning authority considered that it did not come within the scope of Section 261. No further submission was received from the Applicant in respect of the quarry. No further action was taken by the Council.

It was confirmed in the information submitted by the Applicant that quarry operations were last carried out on the site in 1979. Operations at the quarry had commenced prior to 1964. No planning permission ever issued in respect of the quarry. Three questions are raised in the memorandum from the planning department. I will deal with them in sequence.

#### 1 Is the quarry abandoned.

The question abandonment is a matter of fact and can be deduced from a number of factors. The concept was stated in the case of *Hartley .v. Minister of Housing and Local Government* (1970) 1 Q.B. 413. The statement was adopted by Costello J. in *Dublin County Council .v. Tallaght Block Company* (1982) I.L.R. M. 534.

*“Where a previous use of land has not merely been suspended for a temporary & determined period, but had ceased for a considerable time with no evinced intention of resuming it at any particular time, the tribunal of fact was entitled to find that the previous use had been abandoned, so that when it was resumed the resumption constituted a material change of use”*

Three factors arise out of that statement. The use must have ceased nor been suspended for a temporary and determined period. The cessation must be for a considerable time with no evinced intention of resuming it at a particular time.

What is clear on the facts in the present case is that the use of these lands as a quarry ceased in 1979. They have not resumed since that time. The only evinced intention of resuming is a statement from Roadstone that at some time in the future they may recommence quarrying.

Based on the principles set out in Hartley and as quoted above I am of the opinion that the use of the lands at Ballinascorney as a quarry have been abandoned.

## **2 Is this quarry legally registerd.**

I am at a loss to understand the question as the memorandum from the planning department states that a decision was made not to register the quarry and that that fact in fact was notified by way of publication in the public press. The question may be an error and further advises in relation to same may be required.

## **3 If it is legally registered is there any action open to the Council to remove it from the Register**

On the fact it does not appear to be registered and therefore the issue does not arise. Again this may be a matter which will require further advises.

Nothing further occurs

13<sup>th</sup> December 2006

Patrick A Butler.SC

13 December 2006

Adrian O'Gorman, Esq,  
Law Department,  
County Hall,  
Dublin Centre,  
Tallaght  
Dublin 24

**Re: Quarry at Ballinascorney, Roadstone Limited**

Dear Adrian,

I refer to your letter of the 24<sup>th</sup> of November 2006 and enclose my opinion.

I am also returning the papers. The second and third question in the memorandum from the department are not understood in that the memo states that the quarry was not registered and yet the query raises questions about the registration. It may be something that you require further assistance on.

It appears to me that the decision not to register is absolutely correct in accordance with the section. However contrary to the view expressed in the memo, it does not appear to me that the quarry is unauthorised in accordance with section 261 (10), Roadstone have in fact given the necessary information requested, and as no notification under sub-section 7 was issued it does not appear to me that the quarry would on its fact be deemed to be unauthorised under that provision.

Yours faithfully,

Patrick A Butler

South Dublin County Council

19 DEC 2006

Law Department

SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CONTAE ÁTHA CLIATH THEAS

*Roinn ar Dlí*  
Halla an Chontae, Lár an Bhaile  
Tamhlacht, Baile Átha Cliath 24  
Telefon: 01-4149060  
Facs: 01-4149206



LAW DEPARTMENT  
County Hall, Town Centre  
Tallaght, Dublin 24  
Telephone: 01-4149060  
Fax: 01-4149206  
website: [www.southdublin.ie](http://www.southdublin.ie)

*When phoning or calling please ask for*

My Ref: "AOG" ROA002/0002

Date: 24 November 2006

Patrick Butler Esquire SC  
The Law Library  
158/159 Church Street  
Dublin 7

Re: Quarry at Ballinascorney

Dear Pat,

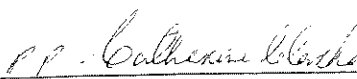
I enclose herewith a memorandum of the 22<sup>nd</sup> of September last from the planning dept to me about a quarry owned by Roadstone Dublin Ltd at Ballinascorney.

Our concern centres on the fact that quarrying operations were last carried out in that area in 1979 and the quarry does not have the benefit of a planning permission.

The questions arising are set out on the third page of that document and I would summarise them as being, in the first instance, is it a quarry at all and, secondly, if so is it registered under the 2000 Act. The question of abandonment of use is obviously the most central question of all.

I realise that you will require a fuller consultation and brief in this matter and I look forward to an opportunity to arranging same with you as soon as possible as there is considerable urgency in this matter.

Yours sincerely,

  
ADRIAN O'GORMAN  
COUNTY SOLICITOR  
3,512

ENCL

PLEASE NOTE  
WE ARE NOW ON THE DX SYSTEM  
OUR DX NO. IS 242001 TALLAGHT 3



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