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| File Reference | LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER | REGISTER REFERENCE SA.1631 |
| 1. LOCATION | Ballinascorney Upper, Brittas, S | |
| 2. PROPOSAL | Waste disposal site at sandpit, | |
| 3. TYPE & DATE OF APPLICATION | TYPE | Date Received |
| | P | 24th Sept. 1979 |
| | Date Further Particulars | |
| | (a) Requested | (b) Received |
| | 1. Time ext. up to and incl. | 1. |
| | 2. 21/12/79 | 2. |
| 4. SUBMITTED BY | Name | D. Herlihy & Assocs., |
| | Address | 31 Mespil Road, Dublin 4. |
| 5. APPLICANT | Name | Namport Ltd., |
| | Address | Anglesea House, 22 Anglesea St., Dublin 2. |
| 6. DECISION | O.C.M. No. | PA/3992/79 |
| | Date | 20.12.79 |
| | Notified | 20th Dec. 1979 |
| | Effect | To refuse permission |
| 7. GRANT | O.C.M. No. | |
| | Date | |
| | Notified | |
| | Effect | |
| 8. APPEAL | Notified | 7/2/80 |
| | Type | 1st Party |
| | Decision | Permission granted by An Bord Pleanala, |
| | Effect | 30th 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. | | |

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

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: S.A. 1631

APPEAL by Namport Limited, of Anglesea House, 22, Anglesea Street, Dublin against the decision made on the 20th day of December, 1979, by the Council of the County of Dublin deciding to refuse to grant a permission for development comprising the operation of a waste disposal site at a disused sand and gravel pit at Ballinascorney Upper, Brittas, County Dublin, in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto; the reasons for the imposition of the said conditions being as set out in the Third Schedule hereto, and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

REASON FOR DECISION

Although the site is in the Dublin Mountain area, which is one of high amenity value, the Board does not consider that the site, in its present state, could be regarded as contributing to the visual or recreational amenity of the area. Despite the general zoning of the area, therefore, the Board considers that the site could be developed and managed as a waste disposal facility in accordance with the plans and particulars lodged without causing serious environmental damage, provided:

- the site is developed and managed strictly along the lines proposed in those plans and particulars;
- the conditions set out in the Second Schedule are fully and properly complied with; and
- the operation and management of the site are closely supervised by the planning authority, as envisaged.

In reaching its decision, the Board took particular account of the fact that exceptional safeguards are proposed to guard against water pollution, that the life of the facility would be relatively short and that, when the site is suitably reinstated (as proposed), it would result in its being left in a condition which would enhance the general amenity of the area.

Contd./.....

SECOND SCHEDULE

CONDITIONS

1. Waste disposal operations on the site shall cease on the expiration of a period of seven years from the date such operations are commenced, unless permission has been obtained for their continuance for a further period.
2. The site shall not be used for waste disposal operations until:
 - measures have been taken by the developers to divert away from the site surface water from other land;
 - a 2.4 metre high security fence, incorporating one set of entrance gates of the same height, has been erected by the developers along the entire perimeter of the site, and
 - an agreement has been entered into by the developers with the planning authority regarding the maintenance of the fence and gates, including provision for the secure locking of the gates when the site is unattended.
3. The site shall be used only for the disposal of solid, non-toxic industrial and trade wastes and builders' rubble.
4. The developers shall keep records of all wastes deposited on the site. Such records shall contain such details as may be required by the planning authority, and they shall be made available to the planning authority at such intervals as the authority may require.
5. The entrance and access road to serve the site shall be located, designed and constructed in accordance with the requirements of the planning authority. Suitable facilities for the wheel-cleaning of vehicles shall be provided at the entrance to the site.
6. No deposit of wastes shall take place on the site until movable screens have been placed at intervals near operational areas (with due regard to wind direction) so as to ensure that paper and other waste materials are contained within operational areas. Materials arrested by such screens shall be removed and disposed of as necessary to maintain the efficiency of the screens and the tidiness of the site.
7. Waste shall be compacted and formed into a layer as soon as possible after deposit and not later than the end of the working day on which the waste is received. Waste shall either be deposited on the surface of the site behind the working face and partially compacted by a roller or other compacting machine before being pushed over the face, or it shall be deposited on the ground forming the base of the site, or on a previous layer in front of the face, and formed into a compacted layer by being pushed upwards and driven over by a roller or other compacting machine. Any layer of waste shall not, after initial compaction, exceed 2.5 metres in depth.
8. Materials used for landfill, other than those which are wholly non-putrescible shall, subject to the traction needs of vehicles operating at the working face, be covered progressively with suitable inert or stabilized cover material throughout the working period each day, so that by the end of the day all exposed surfaces, including the flanks and face, shall have been covered to a depth of at least 15 centimetres. Before covering, the said flanks and face shall be compacted to form gradients not steeper than 1 in 3. All large articles such as furniture, crates and hollow containers likely to cause voids shall be crushed, broken up or flattened and covered each day by other wastes in such a position that they are not within one metre of the surface or two metres of the flanks or face.

Contd./.....

SECOND SCHEDULE (CONTD.)

CONDITIONS

9. Waste other than inert material shall not be deposited in water.
10. Loose waste on the site shall be gathered and disposed of at least once a week so as to keep the site tidy.
11. No waste material shall be deliberately burnt on the site by the developers or their agents. A fire at the site shall be regarded as an emergency and immediate action taken to extinguish it. Arrangements shall be made on the site as may be required by the planning authority for dealing with any fire outbreak.
12. The developers shall monitor the effects of the waste disposal on the external environment. Before operations on the site commence, details of the monitoring programme, including the frequency and duration of monitoring, shall be agreed between the developers and the planning authority. The programme shall include provision for:
 - the monitoring and recording of the quantity and quality of leachate produced, the quality analysis to include pH, and B.O.D. values, free ammonia and concentrations of metals and cations and measurements of suspended solids and such other reasonable parameters as the planning authority may require;
 - the monitoring and recording of the quality of stream and ground waters and of any significant springs in the vicinity; and
 - the monitoring and recording of the generation of gases resulting from the waste disposal process.All data resulting from the monitoring programme shall be made available to the planning authority at such intervals as the authority may require and facilities shall be accorded to the authority for the inspection of the monitoring apparatus and records at all reasonable times.
13. In the event of the pollution of any waters in the vicinity of the site arising from the operations on the site, or the build-up of landfill gases to an unacceptable level because of such operations, the developers shall immediately undertake, at their expense, such remedial or abatement measures as may be required by the planning authority and shall, if so required by the authority, cease further waste disposal operations on the site until such measures have been undertaken to the satisfaction of the planning authority.
14. Leachate shall be collected in and removed from sumps on the site to the requirements of the planning authority by means of a suitable leachate drain system, which shall be extended as the tip is developed. Storage of leachate on the site shall not be permitted, except for limited emergency periods as may be agreed with the planning authority. Adequate leachate storage capacity shall be available at all times on the site for use in such emergency periods.
15. The developers shall operate a sufficient number of suitable vehicles to remove the leachate as necessary and, before any waste disposal is commenced on the site, shall make detailed arrangements with the planning authority regarding the acceptance of the leachate into the public sewerage system. The developers shall be responsible for any expenses incurred by the authority in the provision of any special works at the point of leachate discharge to that system.

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SECOND SCHEDULE (CONTD.)

CONDITIONS

16. Before the development is commenced, further site investigations as recommended in section 4.1 of the August, 1979, report by Aspinwall and Company submitted with the application shall be carried out. The results of these investigations shall be made available to the planning authority, and any modifications of the details of the proposed development that may be found necessary as a result of the investigations shall be agreed with the planning authority before development is commenced.
17. All vehicles conveying waste materials to the site shall either be totally sealed, or covered with a net or tarpaulin, so that waste materials shall not spill or be blown from the vehicles. Waste shall not be accepted at the site from vehicles which are not so sealed or covered.
18. Prior to the commencement of waste disposal operations, a detailed site management plan shall have been agreed by the developers with the planning authority. The plan shall take account of the terms of this order, but otherwise shall be along the general lines set out in the August, 1979, report by Aspinwall and Company submitted with the application. In particular, the plan shall provide for the filling of the site in separate stages, the use of impermeable lining and sealing materials, the making available and operation of equipment on the site, the measures to be taken to suppress dust and noise and the general system of site supervision and control, including the number and kind of personnel to be engaged. The plan shall also incorporate provision for such additional works or measures as may be required by the planning authority to ensure that waste disposal operations are carried out in a proper and controlled way and that the land is satisfactorily reinstated.
19. Before the development commences, the developers shall lodge with Dublin County Council a cash deposit, a bond of an insurance company or other security to ensure that the waste disposal operations, leachate removal operations and restoration works are carried out in accordance with the plans and particulars lodged, with the terms and conditions of this order and with the terms of the site management plan to be agreed under condition 18 above, coupled with an agreement empowering the said Council to apply such security or part thereof to cover any costs that may be incurred by the Council in the event of default or of failure by the developers to carry out and complete the development as aforesaid. The form and amount of the security shall be as agreed between the said Council and the developers or, failing such agreement, shall be as determined by An Bord Pleanála. Such security shall be in addition to the security offered by the developers as part of the application in the sum of one million pounds in respect of the impermeability and efficiency of the high density polyethylene manufactured by Schlegel Engineering GmbH to be used as a lining and sealing material on the site.
20. The developers shall pay a sum of money to Dublin County Council as a contribution towards the said Council's expenditure on the improvement of the public road between the entrance to the site and Brittas Cross. The amount to be paid and the time and method of payment shall be agreed between the developers and the said Council before the development is commenced or, failing agreement, shall be as determined by An Bord Pleanála.

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SECOND SCHEDULE (CONTD.)

CONDITIONS

21. The developers shall secure that wastes shall be brought to the site, and that vehicles shall leave, only by the road to Brittas Cross. To this end, wastes shall be accepted on the site only from vehicles which are either under the control of the developers, or under the control of persons with whom the developers have entered into a written contract or agreement which includes provisions requiring compliance by such persons and their servants and agents with relevant conditions of this permission, in particular those relating to the nature of wastes to be deposited on the site and to the transport of wastes to the site.
22. No dumping or other operations, except emergency or essential maintenance works, shall take place on the site on Sundays or public holidays.

THIRD SCHEDULE

REASONS FOR CONDITIONS

1. It is estimated that in the normal course the site would be filled within a period of seven years.
2. To reduce the ingress of liquids to the site and to prevent unauthorised entry to the site.
3. The disposal of other wastes on the site would be unacceptable on environmental grounds.
4. To facilitate the planning authority in controlling waste disposal operations on the site.
5. To ensure that adequate access arrangements to the site are provided in the interests of road safety and that vehicles leaving the site do not carry material which, when shed onto a public road, would render it dangerous or unsightly.
6. To ensure that all waste materials are contained within the operational areas in the interests of the visual amenities of the area.
- 7, 8, 9 & 10. To provide for the orderly deposition of wastes on the site in the interests of amenity and to reduce nuisance to a minimum.
11. In the interests of amenity and public safety.
12. To prevent injury to amenity, public health, or other adverse environmental effects resulting from the proposed development and to provide means for the controlling and monitoring of effluents, emissions and discharges caused by operations on the site.
- to 17. inclusive) 18. To ensure that the site is developed in an orderly and controlled manner, and that the land is properly reinstated according to an agreed programme.
19. To ensure the satisfactory operation and completion of the development and that leachate removal operations are carried out as necessary.

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THIRD SCHEDULE (CONTD.)

REASONS FOR CONDITIONS

20. The improvement of the road will facilitate the proposed development and it is considered reasonable that the developers should contribute towards the cost.
21. In the interests of road safety.
22. In the interests of the recreational amenity of the area.

Brendan Donoghue

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

Dated this 30th day of April, 1981.

S.A. 1631

P.C. 17390

21st November, 1979.

Diarmuid Herlihy & Assoc.,
31 Meespil Road,
Dublin 4.

RE: Proposed waste disposal site at existing sandpit at
Ballinacorney Upr., Brittas, Co. Dublin, for Namport Ltd

A Chara,

With reference to your planning application received here on 24th September, 1979 (Letter for Extension Period dated 20th November, 1979) in connection with the above, I wish to inform you that :-

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In accordance with Section 26(4A) of the Local Government (Planning and Development) Act, 1963, as inserted by Section 39 of the Local Government (Planning and Development) Act, 1976, the period for considering this application within the meaning of subsection (4A) of Section 26 has been extended up to and including the 21st December, 1979.

Miss le meas,

RB 68855
for Principal Officer

DUBLIN COUNTY COUNCIL

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

24755

Ext.: 262/254

NOTIFICATION OF A DECISION TO REFUSE:

OUTLINE PERMISSION : PERMISSION : ~~APPROVAL~~

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

To:

..... Diarmuid Herlihy & Associates,
..... 31, Mespil Road,
..... Dublin 4,

Register Reference No. S.A. 1631

Planning Control No. 17390

Application Received 24/9/79

Time extension up to and including 21/12/79.
Additional Inf. Recd.

APPLICANT Namport Ltd,

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/3992/79, dated 20/12/79, decide to refuse:

~~OUTLINE PERMISSION~~

PERMISSION

~~APPROVAL~~

For .. proposed waste disposal site at existing sandpit at Ballinascorney Upper, Brittas, ..

for the following reasons:

1. The site is located in an area zoned high amenity open space in the Development Plan. The industrial development proposed would contravene materially the above 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 the refusal of permission for industrial purposes on these lands by An Bord Pleanala, dated 15th September, 1978, (PL 6/5/38510 - Reg. Ref. M.47) and would not be in accordance with the proper planning and development of the area.
3. The proposed industrial development in this area of high amenity would endanger public safety by reason of traffic hazard, because of the unacceptable generation of additional heavy vehicular traffic movements to and from the site on the existing inadequate road network.

Signed on behalf of the Dublin County Council

for PRINCIPAL OFFICER

Date 20th December, 1979.

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