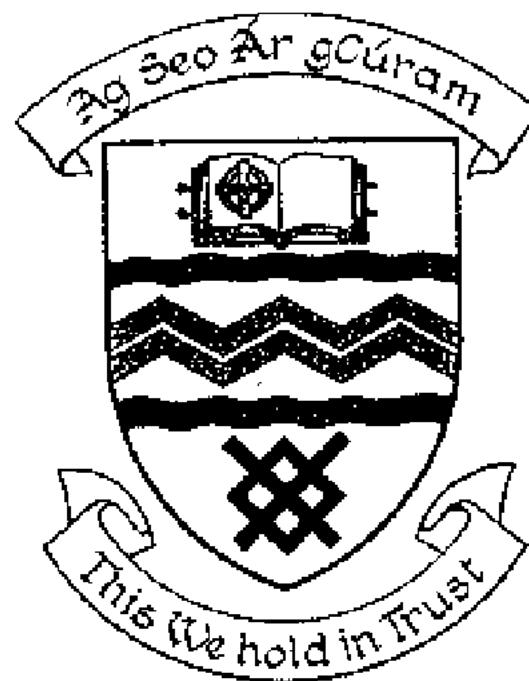


	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S99A/0016	
1. Location	Aghfarrell, Brittas, Co. Dublin.		
2. Development	Retain an earth embankment.		
3. Date of Application	15/01/99	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 14/04/1999 2.	1. 24/09/1999 2.
4. Submitted by	Name: Mr. Michael Murphy, Address: Aghfarrell, Brittas,		
5. Applicant	Name: Mr. Michael Murphy, Address: Aghfarrell, Brittas, Co. Dublin.		
6. Decision	O.C.M. No. 2542 Date 22/11/1999	Effect RP REFUSE PERMISSION	
7. Grant	O.C.M. No. Date	Effect RP REFUSE PERMISSION	
8. Appeal Lodged			
9. Appeal Decision			
10. Material Contravention			
11. Enforcement		Compensation	Purchase Notice
12. Revocation or Amendment			
13. E.I.S. Requested	E.I.S. Received	E.I.S. Appeal	
14. Registrar	Date	Receipt No.	

SOUTH DUBLIN COUNTY COUNCIL
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PLANNING
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NOTIFICATION OF DECISION TO REFUSE PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 2542	Date of Decision 22/11/1999
Register Reference S99A/0016	Date 15/01/99

Applicant Mr. Michael Murphy,
Development Retain an earth embankment.
Location Aghfarrell, Brittas, Co. Dublin.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received 14/04/1999 /24/09/1999

Clarification of Additional Information Requested/Received /

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to REFUSE PERMISSION in respect of the above proposal.

for the (5) Reasons on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council

..... 22/11/99
for SENIOR ADMINISTRATIVE OFFICER

Mr. Michael Murphy,
Aghfarrell,
Brittas,
Co. Dublin.

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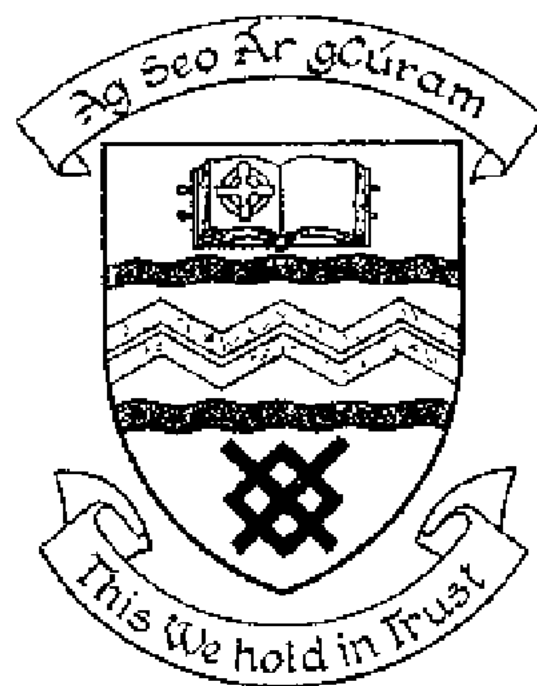
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Reasons

- 1 The present quarrying operations on site are unauthorised development in that a planning permission has not been granted nor were the present operations operating prior to 1 October, 1964. As such, it is considered that the retention of an earth embankment which serves the unauthorised development cannot be permitted.
- 2 It is considered that the proposed development of an earth embankment in an area zoned to protect and enhance the outstanding natural character of the Dublin Mountain Area would be contrary to the policies and objectives of the South Dublin County Development Plan 1998 as the development would not protect nor enhance the natural character of the area and would be seriously injurious to the amenities of the area and property in the area.
- 3 A satisfactory stability report for the earth embankment has not been submitted. The earth embankment therefore must be considered to pose a possible threat to public safety as its stability cannot be guaranteed.
- 4 The treatment of watercourses in the area has not been addressed following a request for Additional Information in that regard. As such the proposed development may cause serious water pollution.
- 5 The full extent of the quarrying operation on site has not been submitted, nor has an embankment stability report, or proposals to treat watercourses in the area. As such it is considered that the application for permission is not sufficiently detailed.

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 0728	Date of Decision 14/04/1999
Register Reference S99A/0016	Date: 15/01/1999

Applicant Mr. Michael Murphy,
Development Retain an earth embankment.

Location Aghfarrell, Brittas, Co. Dublin.

App. Type Permission

Dear Sir/Madam,

With reference to your planning application, received on 15/01/1999 in connection with the above, I wish to inform you that before the application can be considered under the Local Government (Planning & Development) Acts 1963-1993, the following ADDITIONAL INFORMATION must be submitted in quadruplicate:

- 1 The applicant is requested to indicate, on relevant drawings, the full extent of the quarrying operation of which the proposed development forms an integral part.
- 2 The applicant is requested to detail the full nature and extent of the present quarrying operation and to indicate how it can be considered to be an authorised development following the High Court judgement of May 1978 in the Patterson -v- Murphy and Trading Services Ltd. case. In this regard it should be noted that the Planning Authority has no record of planning permission being sought or granted for the development.
- 3 The applicant is requested to submit a report from suitably qualified engineer certifying the precise composition of materials in the embankment. Details to include a breakdown of the exact type, amount and distribution of materials.
- 4 The applicant is requested to submit a report from a suitably qualified Engineer certifying the stability of the embankment. In this regard there is a concern that the

Mr. Michael Murphy,
Aghfarrell,
Brittas,
Co. Dublin.

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existing side slopes may be too steep and a lower gradient may be required.

- 5 The applicant is requested to submit full details of proposals to deal with surface water run off from the embankment that could give rise to pollution in the nearby Brittas River or other watercourses. Proposals should include a settling pond prior to discharge to other courses, streams or rivers. The embankment should also be properly landscaped to prevent excessive wash down of loose material (see item 7 below).
- 6 The applicant is requested to submit full details of proposals to treat any existing streams or watercourses that discharge through the area. These should be culverted with pipes of adequate size and strength to preserve the existing surface water regime.
- 7 The applicant is requested to submit detailed proposals, prepared by a suitably qualified professional, for landscaping the embankment, including top soiling, seeding and planting. The report should include a bill of quantities and a time frame for the implementation of the landscaping proposals.

NOTE: The applicant is advised that, pursuant to Article 33(3) of the Local Government (Planning and Development) Regulations, 1994 as amended, the Planning Authority may, if there is a failure to comply with this request for Additional Information within two months of the date of this order, determine the application in absence of the information sought.

Signed on behalf of South Dublin County Council

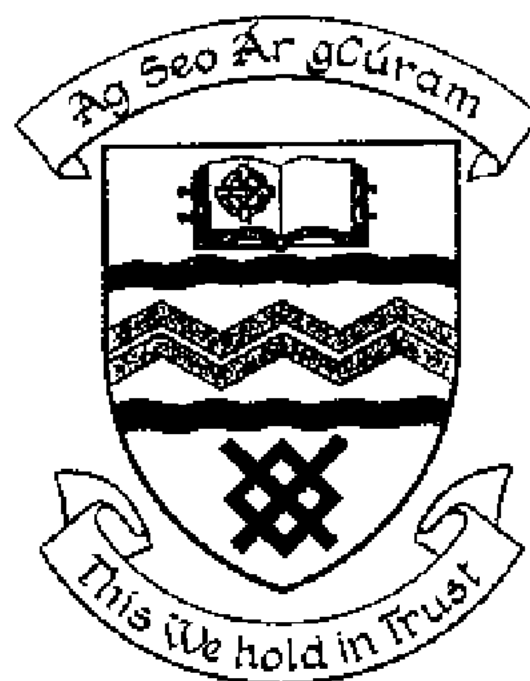
.....
for Senior Administrative Officer

14/04/1999

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Order Number 0204	Date of Order 04/02/1999
Register Reference S99A/0016	Date 15/01/1999

Applicant Mr. Michael Murphy,
Development Retain an earth embankment.
Location Aghfarrell, Brittas, Co. Dublin.

Dear Sir/Madam,

An inspection carried out on 02/02/99 has shown that the site notice erected in respect of your planning application does not comply with the requirements of the Local Government (Planning and Development) Regulations, 1994 as the site notice is located along a private road where sign reads "Land Strictly Private - No Parking - No Trespassers" therefore notice is not legible from the public road. Before this application can be considered, you must erect a new notice on the site or structure, and submit the following to this Department:

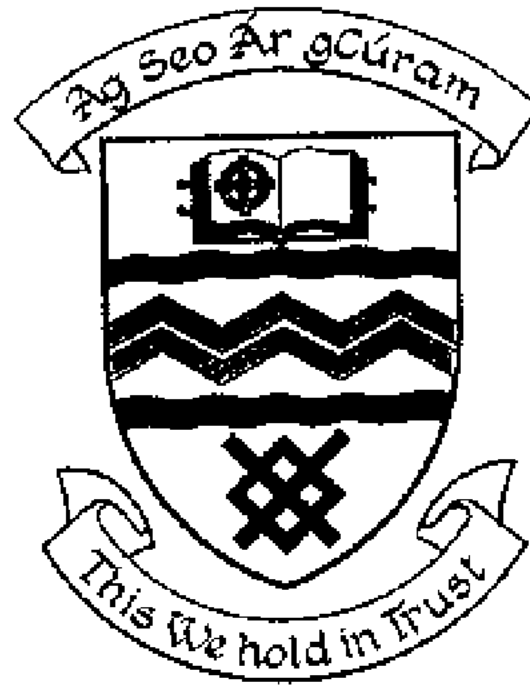
- (a) two copies of the text of the notice
- (b) two plans showing the position of the notice on the land or structure
- (c) a statement of the date on which the notice is erected

The notice must be maintained in position for at least one month and must fulfill the following conditions:-

1. Must be durable material
2. Must be securely erected in a conspicuous position easily visible and legible by persons using the public road
3. Must be headed "Application to Planning Authority".
4. Must state:

Mr. Michael Murphy,
Aghfarrell,
Brittas,
Co. Dublin.

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- (a) Applicant's name
- (b) whether application is for Permission, Outline Permission, or Approval.
- (c) nature and extent of development including number of dwellings (if any)
- (d) that the application may be inspected at the Planning Department, South Dublin County Council, Town Centre, Tallaght, Dublin 24.

No further consideration will be given to this application until you comply with these requirements.

Yours faithfully,


..... 04/02/1999
for Senior Administrative Officer.