



Board Direction

Ref: 19.244624

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 8th March 2016. The Board considered the further information response from the applicant (received by ABP on 22nd December 2015) and the response of Offaly County Council to this. It was noted that the appellant did not respond.

The Board was satisfied that no further cross-circulation of documentation was required and that it was not necessary to seek further reports from the inspector on the case.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to:

- The nature and limited scale of the proposed development,
- its location adjacent to an existing substantial quarry operation, whereby the development in question forms an extension to this authorised operation,
- the planning history of the area including permissions granted governing the adjoining quarry, and the outcome of the section 261A process as it relates to the overall quarry operations (file EU/QY54), which found that no further action was required in relation to the EU Directives on Environmental Impact Assessment and Habitats,
- the information received in support of the application and appeal including in relation to protection of water resources and the restoration of the subject site

it is considered that, notwithstanding the landscape sensitivities of the area, the development to be retained and completed would not seriously injure the amenities of the area or of property in the vicinity, would not be detrimental to the Eiscir Riada and associated landscape in the area, and would not contravene any provisions of the Offaly County Development Plan.

The Board considered the AA Screening Report submitted in support of the planning application, the screening assessment carried out by the planning authority, the Inspector's reports, and the revised AA Screening document received by ABP on 22nd December 2015. The Board considered that the revised AA screening report – which was accompanied by additional up-to-date information in relation to water resource management and quarry restoration - represented a thorough and reliable assessment of the potential for the subject development to have significant effects on any Natura 2000 sites. It was noted that the information presented by the applicant specifically examined the potential effects owing to interaction between quarrying operations and groundwater resources. It also demonstrated an integration of site restoration proposals with adjacent quarry lands. There was also a satisfactory examination of potential in-combination effects. The applicant's conclusions are therefore considered to be reliable and clearly demonstrated. The Board therefore adopted the revised AA Screening report and was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site.

In relation to the question of environmental impact, taking into consideration the planning history, it is considered that this minor extension to a substantial authorised quarry did not trigger any requirement for environmental impact assessment. This conclusion is consistent with the findings of the planning authority in its 'section 261A' analysis of the quarry operations in the area. The Board accepted that the inconsistency between the area outlined in section 261A mapping and the area submitted for the subject application site related to mapping differences, and was not material.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the concerns identified by the inspector had been addressed in a satisfactory manner in the further information submitted to the Board, which enabled a holistic consideration of the site, including in relation to cumulative impacts. As set out above, the Board considered that a minor extension to this authorised quarry was acceptable in principle; that the applicant had furnished satisfactory information in relation to potential impacts on the environment and on European Sites to enable a thorough assessment by the board, and that a grant of permission did not offend the need to protect the environment and the amenities of the area, nor did it offend any European directives.

Conditions

1. Plan Partic – Include FI to PA and FI to ABP on 22nd December 2015
2. As per PA c 2 (2 years from date of this Order). Reason: orderly development.
3. The depth of excavation shall not go below 56m OD as per the applicants submission received by ABP on 22nd December 2015. A benchmark shall be constructed on site to enable ongoing monitoring of the excavation depth. Reason: clarity and groundwater protection.
4. As per PA c 3(update to revised rest. plan from FI recd by ABP 22nd December 2015)
5. As per PA c4 part (e) only. Include ..generally in accordance with the submission recd by ABP on (22nd December 2015)
6. As per PA c4 part (g) standardise.
7. Hours as per PA c 5
8. Arch Monitoring std – prior to any further subsurface work.
9. S48 std
10. Bond

Note: the applicant has proposed measures to improve the treatment and disposal of wastewater arising on the site. These measures have been endorsed by the planning authority and will benefit groundwater protection. The Board considered it reasonable to include a condition to ensure implementation of these improvements, within the overall landholding, notwithstanding that they are outside of the red-line boundary of the application site.

Board Member: _____ Date: 16th March 2016
Conall Boland