



An
Bord
Pleanála

Board Direction
PL06F.248402

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7th November 2017.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Amend condition number 2 as follows:

The planning permission shall expire on permanent cessation of extraction of stone from the quarry site, following which the concrete plant and all associated features shall be removed within a period of 6 months and the site shall be restored in agreement with the Planning Authority.

Reason: In the interest of visual amenities and orderly development.

Attach further condition (condition number 21) as follows:

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations

Having regard to the nature and scale of the proposed development within an established quarry site, to the planning history and the existence of a concrete plant which is proposed to be decommissioned following commencement of the proposed new concrete plant, to the regulation of noise and dust emission limits and monitoring and mitigation requirements as set out in particular under Conditions 5, 8 and 9 attached to the decision to grant permission and to the provisions of Section 7.5 of the 'Development Management Guidelines for Planning Authorities' (2007) in relation to the use of temporary permissions, it is considered reasonable to amend condition number 2 to allow for a longer term duration of the proposed development. It is also considered reasonable to attach a new condition (condition number 21) requiring a section 48 development contribution.

It is considered that the proposed development with the amended condition number 2 and the addition of a new condition (condition number 21) would not seriously injure the residential amenities of the area by virtue of excessive noise or dust emissions during day or night time day operations proposed and would therefore be in accordance with the proper planning and sustainable development of the area.

Board Member

Date: 8th November 2017

Maria FitzGerald