

An
Bord
Pleanála

Board Direction
BD-017269-24
ABP-320351-24

The submissions on this file were considered at a Board meeting held on 19/08/2024.

The Board noted the terms of the High Court Order perfected on 31st July 2024. The Board decided to refuse leave to appeal based on the reasons and considerations set out below.

Reasons and Considerations

Under section 37(6) of the Planning and Development Act, as amended, the Board may, within 4 weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows that:

- i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject, and
- ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

In considering the request for leave to appeal, the Board had regard to the submission and documents received with the application for leave to appeal, the conditions set out in the planning authority's decision and to the documentation accompanying the application. In particular, the Board considered condition numbers 4 and 6 attached to the grant of permission, as referenced in the applicant's submission. The Board considered that it has not been shown that the development in respect of which a

decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject.

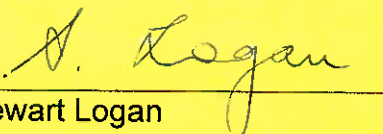
In its decision, the Board concurred with the conclusion of the report of the Inspector that having regard to:

- the proposed development being described in the public notices and in the documentation and plans accompanying the application including the Construction Environment Management Plan (CEMP), the Resource and Waste Management Plan and the Environmental Impact Assessment Screening Report which provide details on specific procedures and best practice for:
 - Demolition and waste
 - Soil excavation
 - Matters that would be covered in a water protection plan checklist
 - Measures to prevent pollution during the construction phase
- the entire facility, including water abstraction and water disposal via the onsite wastewater treatment system being subject to an IED licence by the Environmental Protection Agency (licence reference P0687-02) details of which are provided in the EIA Screening Report which accompanied the application.

that the matters to be addressed by conditions 4 and 6 as imposed by the planning authority do not result in a development that differs materially from the development as set out in the application for permission.

As such, the Board considered they do not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act, as amended, above and on this basis, the Board decided to refuse the appeal.

Board Member:


Stewart Logan

Date: 20/08/2024