



The submissions on this file and the Inspector's report were considered at a Board meeting held on 30th March 2017. The Board decided to defer this case for consideration at a further Board meeting.

At a further Board Meeting held on 10th April 2017 the Board determined the point of detail referral question, generally in accordance with the inspector's recommendation, and according to the following draft order.

DETERMINATION

Procedural Aspects

It is considered that:

- the developer's obligation to provide a special contribution under Condition Number 21 of the permission granted under Appeal Reference Number PL 09. 212059 has been fulfilled.
- Condition Number 13 of PL 09. 212059 has been superseded by Condition Number 9 of the permission granted under Application Reference Number 09.PA0004, which itself has been altered by An Bord Pleanála under Alteration Request Reference Number 09.PM0008.
- Therefore terms of Condition 9 of 09.PM0008 govern the matters now raised by the planning authority.
- It is open to the developer to decide whom it wishes to appoint to carry out surveys or other work in relation to the condition in question.

Scope of review

- The environmental impact assessment carried out by ABP under reference PA0004 considered that an increased annual tonnage was acceptable at the facility subject to certain requirements in relation to the access routes. The requirements of the approval (of file PA0004), in relation to road surveys and improvements, as identified in Condition 9 and the associated 'special development contribution' (Condition 13) remain to be fulfilled.
- The review required under condition 9 of PM0008 should encompass the haul routes serving the site (as identified on Figure 4.9.1 of the Environmental Impact Statement, updated for any alterations to these routes that has taken place) and should examine the condition and suitability of these routes in relation to HGV traffic.
- The condition of the road network serving the permitted development on the 12th day of September, 2016 (that is, the date of the decision under Alteration Request Reference Number 09.PM0008) would be the appropriate baseline upon which the required review of the condition of the haul routes should be based.

Nature of works involved

- Having regard to the provisions of section 48(2)(c) of the Planning & Development Act 2000 (as amended), the additional payments that may arise to address the suitability of the haul routes for HGV traffic must relate to "road improvements and traffic calming measures" and these should follow logically from the review (i.e. they must relate to the identified haul routes, as updated). Any such works must be clearly identifiable and defined, and the cost of the works clearly explained. The special contributions should not be used to defer the costs associated with on-going maintenance, nor should they be calculated by reference to general estimates of the cost of a type of works or a fraction thereof.

Requirement for agreement

- Following completion of the review, the developer should formulate a proposal to fulfil the requirements of Condition 9 and Condition 13, and submit this to the planning authority for agreement.
- Normal procedures for agreement in relation to planning compliance conditions should apply thereafter.

Board Member:

Conall Boland

Date: 11th April 2017