



Board Direction

Ref: 17.SU0066

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 28th, 2017.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, for the reasons and considerations, and subject to the conditions, set out below.

Note: The Board considered this application for substitute consent at the same meeting as the application for permission for further quarrying development under file ref no. 17.QD0017.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April 2004,
- the provisions of the current Meath County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- the submissions made in accordance with Regulations made under section 177N of the Planning and Development Act 2000, as amended,

- the pattern of development in the area and the planning history of the subject site,
- the nature and scale of the development the subject of this application for substitute consent, and
- the report of the Board's Inspector.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct, cumulative and indirect effects on the environment of the development that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, agreed with the Inspector's conclusions and adopted her report. The Board was therefore satisfied that the effects of the development that have taken place on the environment have been, and would be, acceptable.

Conclusion

Having regard to the acceptability of the environmental impacts it is considered that, subject to compliance with the conditions set out below, the subject development that has taken place had not seriously injured the amenities of the area or of property in the vicinity, had not seriously injured public health, was acceptable in terms of traffic safety and convenience and was therefore, in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application for substitute consent on the 14th day of October 2013, the applicant's responses to the Board's S.132 requests received by the Board on November 5th, 2013 and on January 20th, 2016 except as may otherwise be required in order to comply with the following conditions.
 - (b) This grant of substitute consent relates only to past quarrying that has been undertaken as described in the application, and does not authorise any structures or any future development, including any further quarrying or any further excavation.

Reason: In the interest of clarity.

2. Within one month of the date of this order, unless the further development of the quarry permitted under ABP reg. ref. QD0017 has been commenced prior to that date the developer, shall arrange for the immediate removal of potentially polluting material from the site, including any fuels, chemicals and disused machinery and buildings.

Reason: To reduce the visual impacts on the area and to reduce the potential for groundwater or surface water pollution.

3. A new lockable gate shall be erected at the site entrance within one month of the date of this order.

Reason: In the interest of orderly development.

4. Within two months of the date of this order, unless the further development of the quarry permitted under ABP reg. ref. QD0017 has been commenced prior to that date, a comprehensive plan for the reshaping, topsoiling and planting of the berms constructed on the perimeter of the site shall be submitted for the written agreement of the planning authority with the agreed carried out within six months of the date of this order.

Reason: In the interest of visual amenity

5. A detailed plan for the restoration of the subject site, generally in accordance with the details provided on drawing number MDA 15-108v2 submitted on January 20th, 2016 shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the further development of the quarry permitted under ABP reg. ref. QD0017 has been commenced prior to that date. The plan shall include

- a) a scheme of landscaping and tree planting to provide for the re-vegetation of the site where considered suitable by the planning authority;
- b) a timescale for the implementation of the plans and proposals for an aftercare programme for a period of not less than five years, and security provisions within and bounding the quarry site.

Reason: In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

6. Unless the further development of the quarry permitted under ABP reg. ref. QD0017 has been commenced prior to that date, the developer shall lodge with the planning authority, within six months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

COSTS

The Board determined the costs required to be paid under section 177 (k) (2) in accordance with the Board's standard policy in this regard, as follows:

To be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application.	€5,250
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	€1,000

Board Member: _____ Date: April 11th, 2017
Nicholas Mulcahy