



An
Bord
Pleanála

**Board Direction
11.SU0137**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 7th 2019.

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

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004.
- (c) the provisions of the current Laois County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,

- (d) the Board's decision in relation to the application for Leave to Apply for Substitute Consent on the 30th day of November, 2015 (11.LS0018),
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the report of the Board's Inspector, including in relation to potential significant effects on the environment.
- (g) the submissions on the file,
- (h) the pattern of development in the area, and
- (i) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

The Board had previously established at the time of the application for leave to apply for substitute consent that the development in question would not be likely to have a significant effect on a European Site and therefore no 'Appropriate Assessment' issues arise.

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 and indirect effects of the development on the environment. The Board considered that the Inspector's report was satisfactory in addressing the likely significant environmental effects of the development and concurred with her conclusions in relation to the acceptability of mitigation measures proposed and residual effects. The Board therefore adopted the Inspector's report in relation to environmental impact assessment.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, and subject to the compliance with the conditions set out below, it is considered that the subject development would not be likely to have had or have a significant effect on the environment and is not contrary to 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 of the 18th day of May, 2016, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.
- b) This grant of substitute consent relates to the batching plant, quarry buildings, weighbridge and wheelwash, only, and does not authorise any other structure or any future development (including a concrete truck wash as set out in the remedial Environmental Impact Statement received by An Bord Pleanála on the 18th day of May, 2016), and does not authorise any quarrying extraction.

Reason: In the interest of clarity, and to delimit the extent of this grant of substitute consent to the development for which application was made.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement shall be implemented in full.

Reason: In the interest of protecting the environment.

3. Within three months of the date of this order, the applicant shall submit details of the surface water drainage system serving the development the subject of this application for substitute consent to the planning authority, and shall comply with any requirements of the planning authority in relation to surface water drainage.

Reason: In the interest of clarity and public health.

4. Within three months of the date of this order, the applicant shall submit a programme for the monitoring of the water quality in the well serving the site to the planning authority, and shall comply with any requirements of the planning authority in relation to water quality. The well shall be tested annually for microbial contamination and at least once every three years for chemical contamination.

Reason: To protect and monitor groundwater in the area, in the interest of public health.

5. 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, as amended. The contribution shall be paid within six months of the date of this order 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

COSTS

The Board (provisionally) 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.	€853
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	Nil

Board Member

Philip Jones

Date: 5th February 2019