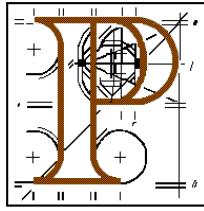


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kilkenny County

Planning Register Reference Number: 15/366

An Bord Pleanála Reference Number: PL10.246963

APPEAL by Jim Dowdall of Enviroguide Consulting, 93 Saint Upper George's Street, Dun Laoghaire, County Dublin and by Kent Quarries Limited care of Williams Planning and Environmental Limited of Saint Roch, Windmill Hill, Rathcoole, County Kildare against the decision made on the 27th day of June, 2016 by Kilkenny County Council to grant subject to conditions a permission to the said Kent Quarries Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of part of an existing quarry for a C&D recycling facility for the recycling of construction and demolition waste and for the importation and recovery of non-hazardous soils, subsoil and other similar material. Material will be crushed and screened using existing mobile quarry plant and machinery and non-hazardous soils will be used in the existing rehabilitation scheme for the quarry at Catsrock and Rathglish Townlands, Glenmore, County Kilkenny, as amended by the further public notice received by the planning authority on the 4th day of May, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an Appropriate Assessment of the impacts of the proposed development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures, the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European site in view of the site's conservation objectives.

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

It is considered that the proposed development which would enable the recovery and reuse of construction and demolition waste at an acceptable location would be in accordance with national policy and with the policies and objectives of the Kilkenny County Development Plan 2014-2020 and the current Southern Region Waste Management Plan, and having regard to the nature of the area and site and the planning history of the site with particular reference to planning register reference number 06/1267, would not seriously injure the amenities of the area or of property in the vicinity or constitute a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of 10 years from the date of the Order.

Reason: To enable a review to be undertaken of the development at that time.

3. The proposed development shall be subject to all existing relevant conditions under planning register reference number 06/1267 and all mitigation measures, including those relating to noise, dust and hours of operation, set out in the Environmental Impact Statement, Natura impact statement and Invasive Species Management Plan submitted with the application and the appeal.

Reason: In the interest of clarity.

4. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority and National Parks and Wildlife Services, a management plan for the protection of any peregrine falcons nesting in the vicinity of the site. This plan shall include any necessary revisions to the restoration plan for the quarry to facilitate the creation of appropriate and safe nesting locations within the quarry for peregrine falcon.

Reason: In the interest of environmental protection and ensuring a satisfactory standard of development.

5. Works shall not commence on site until the planning authority has confirmed in writing that all required alterations and management arrangements for the settlement ponds is completed to its satisfaction.

Reason: In the interest of preventing the pollution of nearby watercourses.

6. The developer shall pay to the planning authority a financial contribution of €5,200 (five thousand two hundred euro) 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 prior to 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. The application of any indexation required by this condition 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.

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.