

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 15754

An Bord Pleanála Reference Number: PL 15.247154

APPEAL by William Morgan care of P. Herr and Associates of 2 Jocelyn Place, Dundalk, County Louth against the decision made on the 29th day of July, 2016 by Louth County Council to grant subject to conditions a permission to the said William Morgan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the decommissioning and removal off-site of the production elements and associated buildings, services, fixtures and fittings, fencing and perimeter clay bank, all at Crumb Rubber Ireland Limited, Mooretown, Dromiskin, County Louth.

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

It is considered that the proposed decommissioning of the facility including the removal of buildings, machinery, fixtures and fittings would not, subject to compliance with the conditions set out below, seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board completed a screening exercise in relation to potential impacts on nearby European sites, specifically the Dundalk Bay Special Protection Area (Site Code: 004026) and Dundalk Bay Special Area of Conservation (Site Code 000455), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted to the planning authority, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on any European site in view of the sites' conservation objectives.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted on the 6th day of July 2016, except as may otherwise to 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 the 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. (a) Prior to the commencement of work the developer shall submit for written approval of the planning authority a comprehensive Closure and Restoration/Aftercare Plan (CRAMP). The CRAMP shall be prepared in accordance with the Environmental Protection Agency document "Guidance on Assessing and Costing Environmental Liabilities 2014" and shall include all measures necessary to avoid any risk of environmental pollution. All drawings shall be to a scale clearly indicating trial pit locations and groundwater monitoring points.
- (b) A programme for the remedial works shall be clearly set out in sequence and a timetable for each work element shall be submitted for approval prior to commencing work. Any variation from the approved work plan shall be notified to the planning authority as soon possible after it becomes evident to the developer.
- (c) Prior to commencement of decommissioning works, a construction and demolition waste management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of Environment, Heritage and Local Government in July, 2006.
- The plan shall include the details of waste to be generated during site clearance and details of the methods and locations to be employed in the prevention minimisation and recovery and disposal of this material in accordance with the Waste Management Plan for the Region in which the site is situated.
- (d) On- site construction works shall be limited to between the hours of 0800 and 2000 hours from Monday to Friday and between 0800 and 1600 hours on Saturday and shall exclude Sundays, Bank Holidays and Public Holidays.

Reason: In the interest of sustainable waste management.

3. The remaining buildings shall be used for their existing use or for agricultural use (not including the storage of slurry). Any change in this arrangement shall be subject to a separate grant of planning permission.

Reason: In the interest of clarity and orderly development.

4. The development shall be operated such that there will be no emissions in terms of odours, fumes, gases, dust or other deleterious materials which would give rise to amenity issues for any residence in the vicinity of the development.

Reason: In the interest of residential amenity and public health.

5. The noise levels generated during the decommissioning phase shall not exceed 55 dB(A) Leq 1 hour when measured at the nearest occupied house. When measuring the specific noise emission, the time shall be any 1 hour period during which sound emissions from the decommission is at its maximum level.

Reason: In order to protect the residential amenities of property in the vicinity.

6. The developer shall liaise with any public utility authorities and carry out all diversions, rerouting, modifications as required by the public utility authorities during the construction of the works. Prior to the commencement of works, the applicant/developer shall arrange to carry out any works required by the public utility authorities and schedule a programme for the proposed development accordingly.

Reason: In the interest of orderly development.

7. During the decommissioning phase the site shall be maintained in a tidy condition and free from litter or accumulated wastes. All wastes and by-products shall be collected and stored in designated and controlled storage areas prior to ultimate removal and disposal from the site. Waste storage areas shall be suitably screened from roadways and footpaths and adjacent properties.

Reason: In the interest of visual amenity.

8. Prior to the decommissioning of works the developer shall lodge with the planning authority a bond of an insurance company or other such security as may be acceptable to the planning authority to secure the satisfactory reinstatement of the site so as to ensure the satisfactory implementation of the closure and restoration/aftercare plan in accordance with the requirements of condition number 2 above coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the said works. The insurance company bond or any such other security will be refundable to the developer following full compliance with condition number 2 and the remediation of the said lands to the satisfaction of the planning authority.

Reason: To ensure the satisfactory decommissioning and reinstatement of the site upon the cessation of the project.

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

Dated this day of 2017.