



Planning and Development Acts 2000 to 2018

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/17/408

Appeal by Ciaran Guinan of Ballyhearth, Clonfanlough, Athlone, County Westmeath against the decision made on the 19th day of January, 2018 by Offaly County Council to grant subject to conditions a permission to Dermot Nally Stone Limited care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention permission for the extraction of material over an area of 0.95 hectares and planning permission for the restoration to agricultural use of the same 0.95 hectares area at Clonaderg, Ballinahown, County Offaly.

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 of the development and the proposal as submitted, its planning history, national and local policy and guidance in relation to the restoration of quarries, its location and the tied resource nature of the development, it is considered that the proposed development and the development proposed for retention, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of properties in the vicinity or be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening.

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 further plans and particulars submitted on the 18th day of October 2017 and the 19th day of December 2017, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures as outlined in the submitted documentation shall be strictly adhered to.

Reason: In the interest of orderly development.

3. The restoration works and the construction of the graded side slopes shall be carried out in accordance with the details submitted to the planning authority on the 19th day of December 2017.

Reason: In the interests of clarity and orderly development.

4. The development works associated with the restoration of the site shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive and between 0800 to 1400 hours on Saturdays. No works shall be carried out on Sundays or public holidays.

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

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 three 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.

Terry Ó Niadh

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

Dated this day of 2018.