



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: TA/191072

Appeal by Rossmore Civils Limited care of M.F. Dineen and Company Limited of Clohane, Ironmills, Killarney, County Kerry in relation to the inclusion of special contribution condition number 26 by Meath County Council in its decision made on the 8th day of October, 2019.

Proposed Development: (1) Phased restoration of a worked out authorised quarry back to its original topographical profile and agricultural use. (2) Associated ancillary temporary works and items including inspection and quarantine area; refuelling area; storm water ditch; silt fences; portable staff canteen and welfare unit; portable WC and handwashing unit; and a parking area. (3) Continuation of uses of existing previously authorised infrastructure including site access; internal access roads; wheelwash; and sprinkler system for the duration of the development. The application site boundary encloses circa 7.5862 hectares which is comprised of 6.2926 hectares of quarry to be restored and 1.2936 hectares of site access; internal access roads; wheelwash; and sprinkler system. The restoration works will comprise of the phased backfilling of the existing quarry void of circa 209,535 cubic metres with clean subsoil and topsoil followed by grass seeding and cultivation for agricultural use. The subsoil and topsoil will come from clean natural imported

soil and from existing stockpiles of soil stored on site, all at Foxhill (in the townlands of Clegarrow, Formal and Issacstown), Rathmolyon, County Meath.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 26 and the reason therefor.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, the planning history of the site, the content of the Meath County Development Contribution Scheme 2016-2021, as amended, and the submissions on file from the appellant and the planning authority, it is considered that condition 26 of the planning authority's decision, as worded, does not specify sufficiently the particular works carried out, or proposed to be carried out, by the local authority, to which the condition relates and that the submissions on file from the local authority are insufficient in terms of providing a supporting rationale for the quantum of contribution sought.

In deciding not to accept the recommendation of the Inspector to amend the quantum of contribution sought under condition 26, the Board considered that the proposed amended condition did not resolve the issue relating to the failure of the condition to specify the particular works carried out, or proposed to be carried out, nor the uncertainty as to the rationale for the quantum of contribution sought.

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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.