



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06138

Appeal by Jerry Beades of 23 Richmond Avenue, Fairview, Dublin against the decision made on the 23rd day of June, 2020 by Cork County Council to grant subject to conditions a permission to Lagan Bitumen Limited care of SLR Consulting of Unit 7, Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Continued use and operation of the existing quarry, mobile concrete plant and ancillary works permitted under planning reference number 01/6926 (An Bord Pleanála reference number PL 04.131372) and planning register reference number 14/05979, with minor revisions to the permitted extraction area. Permission is also being sought for the production of ground limestone using a mobile crushing mill and the provision of a storage shed of circa 60 square metres, all within an application area of circa 4.83 hectares, all at Kilnadow, Mitchelstown, County Cork.

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 planning history of the site, the resource based nature of the proposed development, the pattern of development in the area and the provisions of the Cork County Development Plan 2014 in respect of the extractive industry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety 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, as amended by the further plans and particulars submitted on the 13th day of May, 2020, 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. Apart from any departures specifically authorised by this permission, the conditions, as set out in planning register reference number 01/6926 (An Bord Pleanála reference PL 04.131372) and any agreements entered into thereunder, shall be complied with in full.

Reason: In the interests of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Permission is granted for a six-year extraction period, from the date of this order. Full restoration of the site shall commence within one month of the cessation of extraction and shall be completed within twelve months of commencement. A final restoration programme shall be agreed in writing with the planning authority within six months of the date of this order.

Reason: To limit the impact of the development on the amenities of the area and to ensure appropriate restoration of the site.

4. Within six months of the date of this order, or at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing, the developer shall lodge with the planning authority, a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion and restoration of the site.

Reason: To ensure the satisfactory completion and restoration of the site.

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 prior to the 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. 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.

Chris McGarry

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

Dated this day of 2020.