



Appendix 1.

File No. 09.PF0002

Brief Description of Referral: Point of detail regarding compliance with conditions as set out below of An Bord Pleanála decision on Associated Appeal Reference Number PL09.212059, Application Reference Number 09.PA0004 and Alteration Request Reference Number 09.PM0008.

AND WHEREAS

Condition Number 13 of Appeal Reference Number PL 09.212059 states:

“All materials being imported to the site, either in the construction or operational phases shall be transported via one of the haul routes identified on figure TR1 (Rev A), received by the planning authority on the 12th day of August, 2004. After two years of operation of the proposed facility, a review of the impact of the Heavy Goods Vehicle movements generated on the local road network (defined in figure TRI (Rev A)) shall be carried out by the developer in conjunction with the planning authority. Any revisions to the routes allowed to and from the site shall be agreed and implemented within six months of the review and any consequent additional payments necessary under condition 21 below shall be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to the Board for determination.

Reason: *In the interest of traffic safety, orderly development and the protection of amenity.”*

Condition Number 9 of Application Reference Number 09.PA0004 states:

“All materials being transported to the site, either in the construction or operational phases shall be transported via the haul routes as identified in figure 4.9.1 of the Environmental Impact Statement. After one year of the acceptance of the facility of the increased capacity of 360,000 tonnes, a review of the impact of the Heavy Goods Vehicle movements generated on the local road network (defined in figure

4.9.1 of the Environmental Impact Statement) shall be carried out by the developer in conjunction with the planning authority. Any revisions to the routes allowed to and from the site shall be agreed and implemented within six months of the review and any additional payments necessary under condition number 13 of this order shall be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to the Board for determination.

Reason: *In the interests of traffic safety, orderly development and the protection of amenity.”*

Alteration to Condition Number 9 of Application Reference Number 09.PA0004, as set out in Alteration Request Reference Number 09.PM0008, states:

“All materials being transported to the site shall be transported via the haul routes as identified in Figure 4.9.1 of the Environmental Impact Statement. A review of the impact of the Heavy Goods Vehicle movements generated on the road network (defined in Figure 4.9.1 of the Environmental Impact Statement) shall be carried out by the developer in conjunction with the planning authority within three months of the date of this order. Any revisions to the routes allowed to and from the site shall be agreed and implemented within three months of the review, and any additional payments necessary under Condition Number 13 of this order shall be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to An Bord Pleanála for determination.

Reason: *In the interests of traffic safety, orderly development and the protection of amenity.”*

Condition Number 13 of Application Reference Number 09.PA0004 states:

“The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000 in respect of road improvements and traffic calming measures, which will benefit the proposed development. The amount of the contribution shall be agreed

between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. Payment is subject to the provisions of section 48(12) of the Planning and Development Act 2000.

Reason: *It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.”*