

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

Planning Register Reference Number: QY21

An Bord Pleanála Reference Number: 17.SU.0066

APPLICATION FOR SUBSTITUTE CONSENT by Mountain House Quarries Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Heronstown, Lobinstown, County Meath.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

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

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (c) the provisions of the current Meath County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (g) the planning history of the site,
- (h) the pattern of development in the area,
- (i) the nature and scale of the development the subject of this application for substitute consent, and
- (j) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct, cumulative and indirect effects on the environment of the development that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, agreed with the Inspector's conclusions and adopted her report. The Board was, therefore satisfied that the effects of the development that have taken place on the environment have been, and would be, acceptable.

Conclusion

Having regard to the acceptability of the environmental impacts it is considered that, subject to compliance with the conditions set out below, the subject development that has taken place had not seriously injured the amenities of the area or of property in the vicinity, had not been prejudicial to public health, was acceptable in terms of traffic safety and convenience and was therefore, in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, the applicant's responses to the Board's section 132 requests received by the Board on the 5th day of November, 2013 and on the 20th day of January, 2016, 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 in accordance with the agreed particulars.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development including any future quarrying or any further excavation, on the subject site.

Reason: In the interest of clarity.

2. Within one month of the date of this order, unless the further development of the quarry permitted under An Bord Pleanála register reference number 17. QD.0017 has been commenced prior to that date, the developer shall arrange for the immediate removal of potentially polluting material from the site, including any fuels, chemicals and disused machinery and buildings.

Reason: To reduce the visual impacts on the area and to reduce the potential for groundwater or surface water pollution.

3. A new lockable gate shall be erected at the site entrance within one month of the date of this order.

Reason: In the interest of orderly development.

4. Within two months of the date of this order, unless the further development of the quarry permitted under An Bord Pleanála register reference number 17.QD.0017 has been commenced prior to that date, a comprehensive plan for the reshaping, topsoiling and planting of the berms constructed on the perimeter of the site shall be submitted to and agreed in writing with the planning authority, with the agreed plan carried out within six months of the date of this order.

Reason: In the interest of visual amenity

5. A detailed plan for the restoration of the subject site, generally in accordance with the details provided on drawing number MDA 15-108v2 submitted to the Board on the 20th day of January, 2016 shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the further development of the quarry permitted under An Bord Pleanála register reference number 17. QD.0017 has been commenced prior to that date. The plan shall include-

- (a) a scheme of landscaping and tree planting to provide for the re-vegetation of the site where considered suitable by the planning authority, and

- (b) a timescale for the implementation of the plans and proposals for an aftercare programme for a period of not less than five years, and security provisions within and bounding the quarry site.

Reason: In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

6. Unless the further development of the quarry permitted under An Bord Pleanála register reference number 17.QD.0017 has been commenced prior to that date, the developer shall lodge with the planning authority, within six months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

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

Dated this day of 2017.