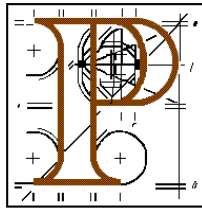


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: QRA-20-006

An Bord Pleanála Reference Number: 09.SU.0103

APPLICATION FOR SUBSTITUTE CONSENT by Patrick and Thomas Cullen care of CROSS Architect and Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

LOCATION OF QUARRY: Slatequarries, Rathmore, Naas, County Kildare.

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 making its decision the Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- the provisions of the Kildare Development Plan 2011-2017,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- the submissions on file,
- the site's planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

Environmental Impact Assessment

The Board has regard to the remedial Environmental Impact Statement and completed an Environmental Impact Assessment in relation to the development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects.

Conclusion

Having regard to the acceptability of the environmental impacts as set out in the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development is not contrary to 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 on the 25th day of June 2014 and relates only to development undertaken as described in the application and remedial Environmental Impact Statement and does not authorise any structures or any future development, including excavation, on this site.
- (b) For the avoidance of doubt, this grant of substitute consent relates only to the quarry site area of 6.37 hectares submitted for determination to the Board under section 261A(2)(a) of the Planning and Development Act 2000, as amended, and as determined by the Board on the 24th day of January 2014 under An Bord Pleanála reference number 09.QV.0118. A revised site location map with the boundary altered thereon corresponding with this area shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this order.

Reason: In the interest of clarity.

2. A revised plan for the restoration of the quarry as authorised by this order shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the development permitted under An Bord Pleanála reference number 09.QD.0006 has been commenced. The plan shall include timelines and any proposals for phased Implementation, 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 public amenity and public safety

3. Unless the development permitted under An Bord Pleanála reference number 09.QD.0006 has been commenced, 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.

4. 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 six months from 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 this grant of substitute consent.

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

Dated this day of 2016.