



An
Bord
Pleanála

Board Order 11.SU.0137

Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Application for Substitute Consent by Dowling Quarries Limited care of John Paul Grufferty of Beechwood House, Athy, 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, as amended.

Location of Quarry: Knockahaw, Errill, County Laois.

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 2018, 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 Laois County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the Board's decision in relation to the application for Leave to Apply for Substitute Consent on the 30th day of November, 2015 (reference number 11.LS.0018),
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (h) the submission on file,
- (i) the pattern of development in the area, and
- (j) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

The Board had previously established at the time of the application for leave to apply for substitute consent that the development in question would not be likely to have a significant effect on a European Site and therefore no 'Appropriate Assessment' issues arise.

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 and indirect effects of the development on the environment. The Board considered that the Inspector's report was satisfactory in addressing the likely significant environmental effects of the development and concurred with her conclusions in relation to the acceptability of mitigation measures proposed and residual effects. The Board therefore, adopted the Inspector's report in relation to environmental impact assessment.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, and subject to the compliance with the conditions set out below, it is considered that the subject development would not be likely to have had or have a significant effect on the environment and 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 of the 18th day of May, 2016, except as otherwise may be required 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 in accordance with the agreed particulars.

(b) This grant of substitute consent relates to the batching plant, quarry buildings, weighbridge and wheelwash, only, and does not authorise any other structure or any future development (including a concrete truck wash as set out in the remedial Environmental Impact Statement received by An Bord Pleanála on the 18th day of May, 2016), and does not authorise any quarrying extraction.

Reason: In the interest of clarity, and to delimit the extent of this grant of substitute consent to the development for which application was made.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement shall be implemented in full.

Reason: In the interest of protecting the environment.

3. Within three months of the date of this Order, the developer shall submit details of the surface water drainage system serving the development the subject of this application for substitute consent to the planning authority, and shall comply with any requirements of the planning authority in relation to surface water drainage.

Reason: In the interest of clarity and public health.

