



An
Bord
Pleanála

Board Direction
BD-002258-19
ABP-300811-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/01/2019.

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) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna, as amended,
- b) the provisions of the Planning and Development Acts 2000 to 2018 and in particular, Part XA,
- c) the provisions of the current Leitrim, Sligo and Roscommon County Development Plans,

- d) the remedial Environmental Impact Assessment Report submitted with the application for substitute consent, and supporting documentation generally on the file,
- e) the reports and the opinions of the planning authorities 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 Planning and Development Act 2000 (as amended), and further submissions from the parties in response to reports/observations,
- g) the decision of the Board to grant leave to apply for substitute consent under section 177D of the Planning and Development Act, 2000 (as amended), – ref. 21.LS.0032, on the 21st day of December 2017,
- h) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- i) the nature and scale of the development the subject of this application for substitute consent, and
- j) the planning, legal history and historical pattern of development in the area.

Remedial Environmental Impact Assessment

The Board completed an environmental impact assessment in relation to the past development, taking account of:

- (a) the nature, scale, location and extent of the development for substitute consent,
- (b) the remedial Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) the submissions received from the relevant planning authorities, prescribed bodies and observers, and

(d) the Inspector's report.

The Board considered that the remedial environmental impact assessment report, supported by information provided by the applicant during the course of the application, identifies and describes adequately the direct and indirect effects of the development on the environment. The Board is satisfied that the information contained in the rEIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board concluded that, subject to the implementation of the mitigation measures proposed in the remedial EIAR, and subject to compliance with the conditions set out below, the effects of the past development on the environment, by itself and in combination with other plans and projects in the vicinity, were and would be acceptable. In doing so, the Board generally adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development.

Having regard to the nature, scale and extent of the development and to the decisions made in respect of the remedial Environmental Impact Assessment, and subject to compliance with the conditions set out below, the Board is satisfied that the subject development:

- did not and does not seriously injure the amenities of the area or of property in the vicinity,
- did not or does not have an unacceptable impact on the ecology, landscape or visual amenities of the area,
- was and would be acceptable in terms of public health, traffic safety and convenience,
- made a positive contribution to Ireland's requirements for sand, gravel and rock to support development,

and is therefore in accordance with the proper planning and sustainable development of the area.

Conditions

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, except as may otherwise 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.

The grant of substitute consent relates only to past works and does not authorise any future development.

Reason: In the interest of clarity and conservation of the environment.

2. All environmental mitigation measures identified within the remedial Environmental Impact Assessment Report and associated documentation shall be implemented in full.

Reason: In the interest of clarity.

3. The developer shall pay to each of the planning authorities 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 that authority in accordance with the terms of the Development Contribution Scheme made which it made under section 48 of the Planning and Development Act 2000, as amended. The contributions shall be paid within 6 months of the date of this Order or in such phased payments as the relevant 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 each of the Schemes shall be agreed between the relevant 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 Schemes made under section 48 of the Act be applied to the permission.

Board Member:

Date: 30/01/2019

Dave Walsh