



An
Bord
Pleanála

Board Direction
BD-002717-19
ABP-302276-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and having regard to the potential for the discharge of contaminated water to the local surface water drainage network that has a hydrological pathway to the Leannan River SAC, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Leannan River SAC (site code 002176), in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
2. On the basis of the information contained in the planning application, the Environmental Impact Assessment Report (EIAR), and the submissions on file, the Board is not satisfied that a full and adequate assessment of the potential impacts of the proposed development on the environment has been carried out and that the submitted EIAR meets the requirements of Article 94 of the *Planning and Development Regulations, 2001 (as amended)*. In particular, the potential adverse impacts of the proposed development in relation to ground and surface water, have not been adequately addressed in

the EIAR and further data relating to noise and dust emissions stated to have been collected have not been provided. In the absence of such a full and adequate assessment, it is not considered that it has been demonstrated that the proposed development would not have significant negative impacts on the environment, would not seriously injure the amenities of property in the vicinity and would not be contrary to the proper planning and sustainable development of the area.

Note: The Board considered that the information provided with the application and appeal, regarding the existing sightlines at the site entrance, including specific drawings, associated documentation and correspondence on this matter from Donegal County Council, did not provide clarity on the existing circumstance at the subject site entrance, in particular the agreed position of the planning authority. As such, the Board could not be satisfied, on the basis of the information provided with the application and appeal, that the entrance can operate in a satisfactory manner. In addition, the Board noted the commentary of the Inspector that the existing quarry profile was not clearly represented in the drawings submitted with the application and that there is a lack of clarity with regard to how the proposed final quarry profile is achievable from the existing situation. However, these two matters were not pursued further, given the substantive reasons for refusal above.

Board Member

Date: 01/04/2019

Chris McGarry