



Board Direction

Ref: SU03.SU0048

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11th November 2016.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

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 2014, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- the provisions of the current Clare County Development Plan,
- the remedial environmental impact statement and the remedial Natura impact statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- the submissions made in accordance with regulations under section 177N of the Act, as amended,
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the site's planning history,
- the existence of a Discharge Licence regulating discharges of treated outflows from the lands to groundwater,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

Having regard to the nature, scale and extent of the subject development, the Natura impact statement submitted with the application and the

mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Toonagh Estate SAC, the Ballycullinan (old domestic buildings) SAC and the Old Farm Buildings Ballymacrogan SAC. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects did not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

The Board had 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 and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the subject development on the environment was acceptable.

Having regard to the acceptability of the ecological and 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 and has not been contrary to the PP and SD 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 for substitute consent, except as may otherwise be required in order to comply with the following conditions.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development, including excavation, on the said site.

Reason: In the interest of clarity.

2. The quarry shall be restored in accordance with the broad principles indicated on drawing Figure 11.4 Restoration Plan and a plan in this regard shall be submitted to the PA for its written agreement within 3 months of the date of the order. The plan shall provide for the enhancement of the biodiversity of the area

post-closure, safety measures and a timetable for implementation.

Reason: To ensure the satisfactory restoration of the site.

3. Within 6 months of the date of this order the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the PA to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the PA and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure satisfactory restoration of the site in the interest of visual amenity.

4. S.48 - unspec.

The Board determined provisional costs as follows:

To An Bord Pleanala:	€10,280.00
To the PA:	€ 980.00

Board Member: _____ Date: 11th November 2016
G.J. Dennison