



Board Direction

Ref: SU05E.SU0054

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17th January 2017.

The Board decided by a majority of 4:1 to grant substitute consent generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

This file was considered at the same time as that relating to QD05.QD0020.

In a further meeting on the 19th January 2017 the Board determined provisional costs.

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 Donegal County Development Plan,
- the remedial Environmental Impact Statement and remedial Natura 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.

Having regard to the nature, scale and extent of the development carried out, the remedial Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts the development had on nearby Natura 2000 sites, specifically the Ballintra SAC. In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the effects the development has or had on the aforementioned Natura sites, having regard to the site's conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the development, either individually or in combination with other plans or projects, would not have adversely affected and is not adversely affecting the integrity of any Natura 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 describing the direct, indirect, secondary and cumulative effects of the development undertaken. The Board adopted the Inspector's report and, with the exception of impacts on Cultural Heritage, agreed with the Inspector's conclusions, in relation to the acceptability of mitigation measures and residual effects and that the subject development was not likely to have had a significant effect on the environment.

It is considered that, subject to compliance with the conditions set out below, the subject development is not contrary to the PP and SD of the area.

In deciding not to accept the Inspector's recommendation to refuse substitute consent the Board shared the Inspector's view that the quarry development gave rise to a serious and permanent adverse impact on archaeology by reason of the removal of a major element of a cashel or ringfort – a recorded archaeological monument. Notwithstanding this, the Board had regard to the significant element of the monument that remains, to the submission of the Department of Arts, Heritage and the Gaeltacht, which recommended conditions, and the potential for mitigation offered by means of such conditions and decided not to refuse permission for this reason.

CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 30th day of July 2013. The grant of substitute consent relates only to development undertaken as described in the application. It does not authorise any future development including excavation on this site.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement and remedial Natura impact statement shall be implemented in full, save as may be required in order to comply with other conditions attaching to this order.

Reason: To protect the environment and to ensure protection of the aquifer.

3. The developer shall employ a suitably qualified archaeologist to prepare, within 3 months of the date of the order and following consultation with the Department of Arts, Heritage and the Gaeltacht, a report and works programme for the archaeological assessment of the site and specifically the remainder of Recorded Monument DG103-019 for the written agreement of the planning authority. Any field studies proposed by this report should be completed within 6 months of the date of the order and a comprehensive report detailing any findings and recommendations shall be submitted to the planning authority and DAHG.

Reason: To protect the cultural heritage of the area.

4. Should the development approved by ABP register ref. QD05.-QD0020 not proceed the quarry shall be restored in accordance with a restoration plan to 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.

5. Unless the development permitted under An Bord Pleanála reference number 05.QD.0020 has been commenced, the developer shall lodge with the planning authority within three months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of the restoration of the site. 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.

Determine provisional costs:

To ABP: €6,300.00

To PA: € 608.00

Board Member: _____ Date: 20th January 2017
G.J. Dennison