



Board Direction

Ref: 03.SU0111

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 20th 2017.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, for the reasons and considerations, and subject to the conditions, set out below.

Note: The Board considered this application for substitute consent at the same meeting as the application for permission for further quarrying development under file ref no. 03.QD0012.

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', issued by the Department of the Environment, Heritage and Local Government in April 2004
- the provisions of the current Clare County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the remedial Natura Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,

- the submissions made in accordance with Regulations made under section 177N of the Planning and Development Act 2000, as amended,
- the pattern of development in the area and the planning history of the subject site and adjoining lands,
- the nature and scale of the development the subject of this application for substitute consent, and
- the report of the Board's Inspector.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question, and also in relation to the cumulative impacts with the adjoining quarry, and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct, cumulative and indirect effects on the environment of the development that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, and adopted her analysis and conclusions in this regard. The Board was therefore satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this order, the effects of the development that has taken place on the environment has been, and would be, acceptable.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development. Having regard to the nature, scale and location of the development, the remedial Natura Impact Statement, the documentation on file generally, the planning history of the site, the submissions on file, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on the Lower River Shannon Special Area of Conservation (site code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (site code 004077). The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was also satisfied that, by itself and in combination with other development in the vicinity, the development did not have and would not be likely to have had significant effects on any other European sites other than these two identified sites, arising from the significant separation distances involved, and otherwise an absence of

potential for connectivity. The Board therefore concluded that, either individually or in combination with other plans or projects, the subject quarry has not adversely affected and would not adversely affect the integrity of any European Site, and in particular Lower River Shannon Special Area of Conservation (site code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (site code 004077), in view of the qualifying interests and conservation objectives of these sites.

Conclusion

Having regard to the acceptability of the environmental impacts, and the lack of adverse impacts on Natura sites, as set out above, it is considered that the subject development that has taken place was and would be in accordance with 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 for substitute consent on the 28th day of July 2014, except as may otherwise be required in order to comply with the following conditions.
- (b) This grant of substitute consent relates only to past quarrying that has been undertaken as described in the application, and does not authorise any structures or any future development, including any further quarrying or any further excavation.

Reason: In the interest of clarity.

2. A detailed plan for the restoration of the subject site, generally in accordance with the details provided on drawing number 6987-2008 submitted with the application, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the further development of the quarry permitted under ABP reg. ref. QD0012 has been commenced prior to that date. The plan shall include
 - a) a scheme of landscaping and tree planting to provide for the re-vegetation of the site where considered suitable by the planning authority;

- b) a timescale for the implementation of the plans and proposals for an aftercare programme for a period of not less than five years, and security provisions within and bounding the quarry site.

Reason: In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

3. Unless the further development of the quarry permitted under ABP reg. ref. QD0012 has been commenced prior to that date, the developer shall lodge with the planning authority, within six months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of any part of the development. 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.

COSTS

The Board determined the costs required to be paid under section 177 (k) (2) in accordance with the Board's standard policy in this regard, as follows:

To be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application.	€6,210
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	nil

Board Member: _____ Date: 2nd March 2017
Philip Jones