



## Board Direction

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**Ref: SU26.SU0113**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 19<sup>th</sup> January 2017.

The Board decided 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 QD26.QD0027.

### 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 Wexford County Development Plan,
- the remedial Environmental 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 including ABP register ref. QV26.QV0245,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

The Board considered, consistent with its assessment of QV0245, that by itself or in combination with other plans or projects, due to the nature and scale of the development undertaken and to the limited potential for

connectivity to European sites itself that development was not carried out at this site that would have been likely to have had a significant effect on any European site in view of the conservation objectives of those sites and therefore that Appropriate Assessment was not required.

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 that the subject development was not likely to have had a significant effect on the environment.

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 contrary to the PP and SD 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 on the 10<sup>th</sup> day of December 2014. 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. It does not authorise any use of the surface water system in situ, particularly the discharge to the surface waters beyond the site limits, except to the extent that such use has been previously authorised by the Planning Authority.

**Reason:** In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement shall be implemented in full, save as may be required in order to comply with other conditions attaching to this order. This shall provide *inter alia* for groundwater monitoring.

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

3. The conditions of PL26.235738 shall apply in relation to the development, save where the Planning Authority agrees in writing to the conditions being waived.

**Reason:** To protect the environment and the amenities of the area and to ensure the proper planning and sustainable development of the area.

4. Should the development approved by ABP ref. no. QD26.QD0027 not proceed the quarry shall be restored in accordance with a detailed restoration plan for the site to be submitted to the planning authority for written agreement within three months of the date of this order. The plan shall provide for the enhancement of the biodiversity of the area post-closure, public safety measures and a timetable for implementation.

**Reason:** To ensure the satisfactory restoration of the site.

5. Within three 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 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.

6. The developer shall pay to the planning authority a financial contribution in respect of roads benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the amount payable shall be agreed between the 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 Scheme made under section 48 of the Act be applied to the permission.

The Board determined provisional costs as follows:

To An Bord Pleanála:	€2,000.00
To the PA:	€1,044.00

Board Member: \_\_\_\_\_ Date: 23<sup>rd</sup> January 2017  
G.J. Dennison