



Board Direction

Ref: SU05E.SU0125

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21st October 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 2015, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- the provisions of the Donegal County Development Plan 2012-2018,
- the revised remedial Environmental Impact Statement and drawings submitted on the 15th January 2016,
- 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, amended,
- 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.

The Board had regard to the revised 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.

Having regard to the acceptability of the environmental impacts as set out in the foregoing it is considered that, subject to compliance with the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the subject development on the environment are and have been acceptable. The subject development is and has been in accordance with the PP and SD of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the revised plans and particulars submitted to An Bord Pleanála with the application on 15th January 2016 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 revised remedial EIS and does not authorise any structures or any future development, including future excavation, on this site. This grant of substitute consent relates only to the quarry site area of approximately 21ha submitted for determination to the Board under section 261A(2)(a) of the P+D Act 2000, as amended, and as determined by the Board on 14th June 2013 under ABP reference number QV05E.QV0007 and as amended by Board Order of 23rd October 2013 under ABP ref. no. 05E.QV.00017M

Reason: In the interest of clarity.

2. The quarry shall be restored in accordance with the particulars submitted to the Board as further information on 30th August 2016. Works in this regard shall commence within six months of the date of this order. The works shall incorporate suitable tree and shrub planting to ensure an adequate screen along the road boundary. No works shall result in a breach of the ground water table. Lagoon construction shall be supervised by a professional engineer in a manner approved in writing by the planning authority.

Reason: In the interest of public amenity and environmental protection and to ensure the satisfactory restoration of the site

3. The existing groundwater abstraction lagoon associated with the concrete batching plant shall be permanently protected from contamination. Details of suitable proposals in this regard shall be submitted to the planning authority for written approval within 3 months of the date of the order.

Reason: In order to protect groundwater resources.

4. There shall be no discharge of quarry water from the site to any roadside drain or adjacent watercourse in the absence of a Discharge Licence.

Reason: In order to protect ground and surface waters.

5. Within six 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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities 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 within six months from the date of this order or 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 application of the terms of the Scheme 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 this grant of substitute consent.

The Board determined provisional costs as follows:

To An Bord Pleanala:	€3,945.00
To the PA:	€ 608.00

Board Member: _____ Date: 25th October 2016
G.J. Dennison