



Board Direction

Ref: SU05E.SU0126

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th August 2016.

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

REASONS AND CONSIDERATIONS

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,
- Quarrying and Ancillary Activities: Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (April 2004),
- the provisions of the current Donegal County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority submitted under Section 177 I,
- the report of the Board's Inspector including in relation to the potential significant effects on the environment,
- 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 completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development. The Board considered that the rEIS was satisfactory in addressing the environmental effects of the development and also agreed with the conclusions in relation

to the acceptability of mitigation measures proposed and that the residual effects resulting from the development on the environment would be or would have been acceptable.

Having regard to the foregoing it is considered that the subject development, subject to compliance with conditions set out below, is not contrary to the proper planning and sustainable development of the area.

CONDITONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on 24th November 2014 as amended by the further information submitted to the Board on 3rd Feb 2015 and 9th May 2016 and relates only to development undertaken as described in the application and does not authorise any structures or any future development, including excavation, on this site.

(b) For the avoidance of doubt, this grant of SC only applies to c.3.5 ha site 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 1st April 2014 under ABP reference number QV05E.0313.

Reason: In the interest of clarity.

2. The developer shall arrange for the immediate removal of potentially pollutant material from the site, including any fuels, rubbish, chemicals and disused machinery within one month of the date of this order.

Reason: To reduce the visual impacts on the area and to reduce the potential for surface water pollution.

3. A comprehensive plan, based on the rEIS and the further information submitted to the Board on 9th May 2016, for the restoration of the entire quarry, including timelines, should be submitted to, and agreed in writing with the planning authority within three months of the date of this order. The following shall apply in relation to the design and implementation of the plan.

- (a) Site restoration providing for the immediate re-vegetation of the site where suitable, and

(b) The incorporation of landscaping and planting as indicated in Section 9.23 and 9.24 of the remedial Environmental Impact Statement as clarified and augmented by the further information submitted to the Board on 9th May 2016.

Reason: In the interest of visual amenity.

4. Within one month 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 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 security shall be agreed between the planning authority and the developer or in default of an agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

5. S.48 unspec.

The Board determined provisional costs as follows:

To: An Bord Pleanála:	€3,310.00
Less refund:	€1,015.00 (over-payment on application)
Total sought:	€2,295.00

To the PA:	€608.00
------------	---------

Board Member: _____ Date: 12th August 2016
G.J. Dennison