



## Board Direction

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**Ref: 12.SU0133**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 20<sup>th</sup>, 2016.

Generally in accordance with the recommendation of the Inspector, the Board decided to grant substitute consent in accordance with the reasons, considerations and conditions set out below.

The Board accepted and adopted the Inspector's analysis and conclusions in respect of appropriate assessment.

### REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Leitrim County Development Plan 2015-2021,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (g) the planning history of the site,
- (h) the determination of An Bord Pleanála in relation to the application for review of notice reference number 12.QV.0011,
- (i) the wastewater discharge licence,

- (j) the mitigation measures which are in place and the further remedial measures proposed,
- (k) the nature and scale of the development the subject of this application for substitute consent,
- (l) the limited nature and scale of traffic generated by the development,
- (m) the pattern of development in the area, and
- (n) the report of the planning inspector.

### *Environmental Impact Assessment*

The Board considered the nature, scale and location of the subject development, the remedial environmental impact statement, the documentation submitted with the application generally, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector. It is considered that the remedial environmental impact statement identifies and describes adequately the direct and indirect effects on the environment of the development that have taken place. The Board completed an environmental impact assessment in relation to the subject development, by itself and cumulatively with other development in the vicinity, and concluded that the development of the quarry was not and would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector.

### *Conclusions*

Having regard to the decisions made in respect of environmental impact assessment, the Board is satisfied that the subject development did not and does not seriously injure the amenities of the area or of property in the vicinity, and 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, and by further information submitted on the 24th day of August, 2015, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.  
  
(b) The 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 further quarrying or any further excavation, on the subject site.

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

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement and associated documentation shall be implemented in full, save as may be required to comply with the conditions set out below.

**Reason:** In the interests of the conservation of the environment.

3. Within six months of the date of this order, proposals for the following, to include a timeframe for implementation, shall be submitted to the planning authority for written agreement:

(i) A programme for monitoring of groundwater levels and groundwater quality within the site, to include groundwater wells at locations around the boundary of the application site and working quarry (up gradient and down gradient of quarry).

(ii) A programme for monitoring surface water flows at locations around the quarry including drainage and watercourses unconnected to the lagoon system of drainage within the quarry.

**Reason:** To ensure protection of groundwater quality and surface water bodies.

4. Within six months of the date of this order, construction-stage details of improvements to the surface water management system, and a time frame for implementation, shall be submitted to, and agreed in writing with, the planning authority. These details shall address any on-going requirement for the discharge of waters from the quarry to the satisfaction of the planning authority. The details submitted should demonstrate that the surface water management system would be capable of reducing sedimentation within surrounding watercourses and drains to an acceptable level.

**Reason:** In the interests of orderly development and the protection of the environment.

5. Implementation-stage details of the restoration of the quarry generally in accordance with the remedial EIS shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order and which shall include the following:

- (a) details relating to the finished gradients of the quarry face,
- (b) the control of dust emissions until such time as the restoration is established,
- (c) a scheme of landscaping and tree planting,
- (d) details of fencing,
- (e) proposals for an aftercare programme of five years, and
- (f) a timeframe for implementation, including proposals for phasing of the restoration works.

**Reason:** In the interest of protection of the environment, landscape and public safety.

6. Within six months of the date of this decision, 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 completion 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 completion of the development.

7. 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 was 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 of 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**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 application for substitute consent.

## PROVISIONAL DETERMINATION OF COSTS

The Board determined the costs required to be paid under section 177(k)(2), provisionally, as follows:

to be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application	€1,150
to be paid to the Planning Authority as a contribution towards the costs of consideration of the application	€632

Note: The Board noted the Inspector's suggestion that the Board may wish to seek further information in respect of drains going to settlement ponds outside the red lined boundary but the Board considered that the drainage condition recommended by the Inspector would be adequate to address matters of drainage associated with this development.

Board Member: \_\_\_\_\_ Date: July 28<sup>th</sup>, 2016  
Nicholas Mulcahy

*Please issue copy of direction with order.*