



Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Application for Substitute Consent by John Caulderbanks care of P. Canning and Associates of Bally Lawn, Manorcunningham, County Donegal in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

Location: Waste facility and activity at Labbadish, Manorcunningham, County Donegal.

Decision

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

Reasons and Considerations

Having regard to -

- (a) the County Donegal Development Plan 2018 – 2024,
- (b) Project Ireland 2040, the National Planning Framework,
- (c) the Planning System and Flood Risk Management Guidelines for Planning Authorities, issued by the Department of Environment, Heritage and Local Government in 2009,
- (d) the planning history of the site, and
- (e) the submitted remedial Natura Impact Statement,

it is considered that, following mitigation, the waste and recycling facility on the site has not had a significant adverse effect on nearby European sites. It is further considered that, subject to compliance with the conditions set out below, it would not have a significant adverse effect on nearby European sites in the future. Therefore, to grant substitute consent for this waste and recycling facility 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, as amended by the further response received by An Bord Pleanála on the 3rd day of August, 2021 and the 30th day of January 2024, 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 does not authorise any future development on the subject site.

Reason: In the interest of clarity.

2. The additional area of man-made flood plain, as indicated on drawing reference number ABP-307353 dated the 25th January 2024 and received by the Board on the 30th day of January 2024 as additional information, shall not be subdivided from the development site.

Reason: In the interest of clarity.

3. (a) All mitigation measures identified within the remedial Natura Impact Statement shall continue to be implemented in full, except as may otherwise be required in order to comply with the conditions attaching to this Order.
- (b) Within 12 weeks of the date of this Order, a survey of the existing outdoor hard surfaces on the site shall be undertaken to identify where repairs of broken and dislodged concrete have occurred. This survey shall be accompanied by a timetable for the full repair of the identified broken and dislodged concrete, and it shall be submitted to and agreed in writing with the planning authority.
- (c) Within 12 weeks of the date of this Order, a timetable for the proposed installation of a gulley trap and sump, shown on the site layout plan for a position adjacent to the eastern boundary of the site, shall be submitted to and agreed in writing with the planning authority.
- (d) Within 12 weeks of the date of this Order, a timetable for the extension of the existing yard surface water drainage system into the gravelled areas in the eastern half of the site and the hard surfacing of these gravel areas shall be submitted to and agreed in writing with the planning authority.

Reason: In order to maintain and improve measures designed to safeguard the water quality of the Corkey River.

4. Within 12 weeks of the date of this Order, a scheme for the improvement of the eastern sightline to the site exit shall be submitted to and agreed in writing with the planning authority. This scheme shall set back the eastern end of the splayed wall and pillars by a minimum of two metres from the adjacent carriageway and it shall remove vegetation in the south-eastern corner of the site that is within two metres of this carriageway. It shall include a timetable for the implementation of the works to be undertaken.

Reason: In the interest of road safety.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *22nd* day of *May*, 2024.