



An
Bord
Pleanála

**Board Order
03.RP.2159
(substitute consent
reference number
03.SU.0127).**

Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: EUQY53

WHEREAS by order dated the 20th day of December, 2016 An Bord Pleanála, under substitute consent reference number 03.SU.0127, granted subject to conditions substitute consent to Jim Bolton Sand and Gravel Limited care of HRA Planning of 3 Hartstonge Street, Limerick for a quarry at Fahey more North, O'Briensbridge, County Clare.

AND WHEREAS condition number 1 of this grant of substitute consent stated as follows:-

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 the 4th day of December, 2014 and the further information submitted to An Bord Pleanála on the 22nd day of December, 2014, except as may otherwise be required in order 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 within six months of the date of this order, and the development shall be in accordance with the agreed particulars.

- (b) This grant of substitute consent relates only to past quarrying that has been undertaken as described in the documentation supporting the application, and does not authorise any structures or any future development on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity:

AND WHEREAS condition number 4 of this grant of substitute consent stated as follows:-

4. Implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority, in accordance with Drawing Number 144-168-015-Rev PL1 (Restoration Plan) received by An Bord Pleanála on the 22nd day of December, 2014 and the measures set out in Section 2.7.1 of the remedial environmental impact statement (Site Restoration Scheme), which details shall include the following:
- (a) details of the finished gradients of the quarry faces,
 - (b) details of secure fencing for the boundaries of the site,
 - (c) a scheme of landscaping and tree planting, and control of invasive species,
 - (d) the control of dust emissions until such time as planting is established, and
 - (e) proposals for an aftercare programme of five years.

The restoration shall be completed to the written satisfaction of the planning authority within six months of the date of this order in accordance with the agreed details, unless a grant of permission for the further development of this site is implemented.

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

AND WHEREAS the developer and the planning authority failed to agree on the details of the restoration of the quarry in compliance with the terms of condition number 4:

AND WHEREAS the matter was referred by Bolton's Quarry care of HRA Planning of 3 Hartstonge Street, Limerick to An Bord Pleanála on the 20th day of October, 2017 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the importation of fill, in the quantities as referenced to the planning authority, of the order of approximately 100,000 tonnes, is not permitted by this grant of substitute consent.

Reasons and Considerations

It is considered that the details contained in the plans and particulars submitted as part of the application for substitute consent did not explicitly set out that the importation of fill would be necessary to complete the restoration of the quarry, nor did the plans and particulars submitted make reference to any particular volume or tonnage of fill that would be imported to complete the restoration, and furthermore it is considered that the remedial Environmental Impact Statement submitted with the application for substitute consent did not identify, outline and assess the likely impacts on the environment, including cumulative and indirect effects, of any importation of fill to achieve such restoration. In addition, the grant of substitute consent, as set out in condition number 1(b), does not authorise any future development on this site unless authorised by a prior grant of planning permission. Accordingly, proposals to import fill to complete the restoration of the quarry is not permitted by the grant of substitute consent in question.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018