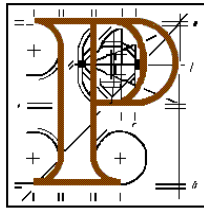


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: EUQY6

An Bord Pleanála Reference Number: 03.SU.0048

APPLICATION FOR SUBSTITUTE CONSENT by Ryan Brothers (Ennis) Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Blanchardstown, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Toonagh, Ennis, County Clare.

BOARD 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.

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.

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 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (c) the provisions of the current Clare County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (g) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (h) the planning history of the site, and in particular appeal reference number PL 03.208121 (planning register reference number 04/615), and quarry registration file register reference number 03.QC.2001,
- (i) the existence of a Discharge Licence regulating discharges of treated outflows from the lands to groundwater,
- (j) the pattern of development in the area,
- (k) the nature and scale of the development the subject of this application for substitute consent, and
- (l) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Appropriate Assessment

Having regard to the nature, scale and extent of the subject development, the remedial Natura Impact Statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Toonagh Estate Special Area of Conservation (Site Code 002247), the Ballycullinan, Old Domestic Buildings Special Area of Conservation (Site Code 002246) and the Old Farm Buildings, Ballymacrogan Special Area of Conservation (Site Code 002245). The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects did not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board had regard to the 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 and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the subject development on the environment was acceptable.

Conclusion

Having regard to the acceptability of the ecological and environmental impacts as set out in the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development is not and has not been contrary to 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 for substitute consent, 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 and the development shall be carried out in accordance with the agreed particulars.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development including excavation, on the subject site.

Reason: In the interest of clarity.

2. The quarry shall be restored in accordance with the broad principles indicated on drawing FIGURE 11.4 Restoration Plan submitted to An Bord Pleanála on the 6th day of June, 2013 and a plan in this regard shall be submitted to the planning authority for its written agreement within three months of the date of this order. The plan shall provide for the enhancement of the biodiversity of the area post-closure, safety measures and a timetable for implementation.

Reason: To ensure the satisfactory restoration of the site.

3. 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 other security acceptable to the planning authority to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the site. 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 restoration of the site.

4. 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 with 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. 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 the substitute consent.

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

Dated this day of 2016.