

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Donegal County**

**Planning Authority Register Reference Number: EUQY21**

An Bord Pleanála Reference Number: 05E.SU.0106

**APPLICATION FOR SUBSTITUTE CONSENT** by Cemex (ROI) Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended.

**LOCATION OF QUARRY:** Carrick East and Trumman West Townlands, Laghy, County Donegal.

## **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 2016, and Part XA in particular,
- (b) the “Quarries and Ancillary Activities, Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government (2004),
- (c) the provisions of the Donegal County Development Plan 2012 - 2018, as varied,
- (d) the nature and scale of the quarry, and its access to the N15 National Road and the regional road network,
- (e) the pattern of development in the area, including the separation distances to houses, and the civic amenity site to the east, formerly a quarry,
- (f) the historical scale of the quarry,
- (g) the planning history of the quarry, including permission for a quarry and various manufacturing plant; the registration of the quarry under planning authority register reference number QY21 and the imposition of conditions, the quarry review history under EUQY21 and 05E.QV.0222, and the water discharge licence,
- (h) the remedial Environmental Impact Statement submitted with the application, and the further information submitted on the 23<sup>rd</sup> day of July, 2014,
- (i) the report, opinion, and further submission of the planning authority, as amended, and the documentation and submissions on file, and
- (j) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to environmental impact assessment.

The Board was satisfied that the information before it was adequate to undertake an environmental impact assessment in respect of the development.

## *Environmental Impact Assessment*

The Board considered the nature, scale and location of the development, the remedial Environmental Impact Statement submitted, the documentation submitted with the application, the further information submitted, the planning, registration and quarry review history of the quarry, 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 development, and concluded that, by itself and in cumulation with other development in the vicinity, including the manufacturing operations and neighbouring development, the development of the quarry was not and would not be likely to have unacceptable effects on the environment. In doing so, the Board adopted the report of the Inspector.

## *Conclusion*

The Board is satisfied that, in itself and in conjunction with other development in the vicinity, and subject to compliance with the conditions set out below, the development did not and would not conflict with the provisions of the Donegal County Development Plan 2012 – 2018, did not and would not seriously injure the amenities of the area or of property in the vicinity, did not and would not result in a risk of pollution, did not adversely affect known archaeological features or architectural heritage, did not and would not have adverse effects on European Sites due to distance and the low potential for connectivity, and was acceptable in terms of traffic safety and convenience. It is, therefore, considered that the development 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, as amended by the further information submitted on the 23<sup>rd</sup> day of July, 2014, 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 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 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.

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

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

- 3. Within six months of the date of this order, details shall be submitted to, and agreed in writing, with the planning authority in relation to the ongoing monitoring of dust, surface water quality and of ground water levels, including details of the water quality parameters to be monitored.

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

- 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 ongoing 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 dealing with a storm event.

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

5. Within six months of the date of this order, appropriate secure fencing shall be installed to safeguard the quarry boundaries to the satisfaction of the planning authority, in accordance with details that shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public safety and of orderly development.

6. Implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority, in accordance with the plans and particulars set out in Section 2.6 of the remedial Environmental Impact Statement, and Drawing 4 (Proposed Restoration Plan) and Drawing 5 (Proposed Restoration Sections) submitted with the application, and which shall include the following:

- (a) details relating to safe finished gradients for the quarry faces,
- (b) measures for the control of dust emissions until such time as the restoration is established,
- (c) a scheme of supplementary landscaping and tree planting, including on berms,
- (d) proposals for an aftercare programme of five years, and
- (e) a timeframe for implementation.

These details shall make appropriate provision for recognition of the County Geological Site status of the quarry. No material shall be imported to the quarry without a prior grant of planning permission.

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 amenity, and of protection of the environment and the landscape.

7. Unless a permission for the further development of this quarry is implemented, the developer shall lodge with the planning authority, within six months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the 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 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 secure the satisfactory restoration of the site.

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

**Dated this            day of            2017.**