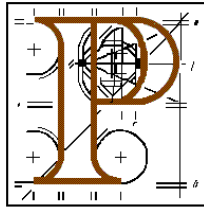


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: EUQY10

An Bord Pleanála Reference Number: 05E.SU0112

APPLICATION FOR SUBSTITUTE CONSENT by Conn Friel care of Earth Science Partnership (Ire) Limited of Tonranny, Westport, County Mayo 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, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

LOCATION OF QUARRY: Drumkeelan, Mountcharles, 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 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 'Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals', (EPA, 2006),
- (d) the provisions of the current Donegal County Development Plan,
- (e) the remedial Environmental Impact Statement submitted with the application for substitute consent,
- (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,
- (i) the pattern of development in the area,
- (j) the nature and scale of the development the subject of this application for substitute consent, and
- (k) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development and adopted this report and concurred with the Inspector's conclusions.

The Board completed an Environmental Impact Assessment and concluded that the subject development, by itself and in combination with other development in the vicinity, was not and would not be likely to have a significant effect on the environment.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the subject development carried out is not contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted with the application to An Bord Pleanála on the 25th day of July, 2014. This grant of substitute consent:
 - (a) relates only to development undertaken, as described in the application, does not authorise any future extraction/excavation activity and does not relate to any other development, on the subject site, and
 - (b) this grant of substitute consent relates only to past quarrying that has been undertaken as described in this application for substitute consent and does not authorise any structure or any future development on the site and is limited to that (approximately 4.2 hectares) outlined in red on the application drawings.

Reason: In the interest of clarity.

2. (a) Within one month of the date of this Order, the applicant shall have either:
 - (i) permanently removed all chemicals and fuel stored on site, or
 - (ii) implemented the recommendations of the Environmental Protection Agency's Environmental Management Guidelines, 'Environmental Management in the Extractive Industry (Non-Scheduled Minerals)' 2006, section 3, in respect of the storage of chemical/fuels and the refuelling of vehicles/machinery on site.

Reason: To mitigate the risk of significant impacts occurring on water, soil, human beings and ecology from pollution arising from development and procedures on site.

3. The developer shall implement all of the mitigation measures identified in the remedial Environmental Impact Statement and shall be implemented in full, save as may be required to comply with the conditions set out below.

Reason: To mitigate the risk of significant impacts on factors of the environment.

4. (a) Within three months of the date of this Order, the developer shall submit detailed proposals, including drawings, for the restoration of the substitute consent site for the approval of the planning authority. The details shall include:
 - (i) the identification of all areas to be levelled or graded,
 - (ii) the identification of all items of plant and machinery, scrap metal, stockpiles, chemicals/fuels, contaminated materials including any contaminated soil, and waste materials to be removed,
 - (iii) details of measures to ensure the stability of the faces of the quarry,
 - (iv) details of landscaping/screening measures to be implemented, and
 - (v) the timescale for the implementation of the restoration scheme

- (b) The restoration scheme shall be based on the proposals set out in section 11.5 in the remedial Environmental Impact Statement and/or the current finished levels within the quarry, as detailed in 'Site Layout Map' drawing number PP-110-01 received by An Bord Pleanála on the 25th day of July, 2014 and shall not provide for extraction, or excavation other than for site levelling/grading purposes, of the substitute consent application site.

Reason: In the interest of the proper planning and sustainable development of the area.

5 During the implementation of the site restoration plan, the developer shall:

- (a) inspect all vehicles leaving the site and ensure that they are clean,
- (b) inspect the public road network used by the quarry on a daily basis and shall remove any debris or material deposited on the network from vehicles travelling from the site,
- (c) provide, subject to the agreement of the local authority, appropriate temporary signage to warn vehicles on approach to the quarry entrance during operating hours, and
- (d) ensure that adequate visibility is maintained at the entrance and the implementation of appropriate safety procedures for the egress of vehicles during the period of site restoration, the details of which shall be agreed with the planning authority.

Reason: In the interest of road safety.

6. Within three 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 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 restoration of the development.

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

Dated this day of 2016.