

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Wexford County

Planning Register Reference Number: Q045

An Bord Pleanála Reference Number: 26.SU.0113

APPLICATION FOR SUBSTITUTE CONSENT by Faser Court Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Coolishal Upper, Gorey, County Wexford.

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) Council Directive 92/43/EEC on the Conservation and Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA,
- (c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (d) the provisions of the current Wexford County Development Plan,
- (e) the remedial Environmental 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 report of the Board's Inspector, including in relation to potential significant effects on the environment.
- (h) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (i) the planning history of the site, and in particular An Bord Pleanála register reference number 26.QV.0245,
- (j) the pattern of development in the area, and
- (k) the nature and scale of the development the subject of this application for substitute consent.

The Board considered, consistent with its assessment of 26.QV.0245, that by itself or in combination with other plans or projects, due to the nature and scale of the development undertaken and to the limited potential for connectivity to European sites itself, that development was not carried out at this site that would have been likely to have had a significant effect on any European site in view of the conservation objectives of those sites and, therefore, that Appropriate Assessment was not required.

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 direct, indirect, secondary and cumulative 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 that the subject development was not likely to have had a significant effect on the environment.

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 was not 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, 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 this site. It does not authorise any use of the surface water system in situ, particularly the discharge to the surface waters beyond the site limits, except to the extent that such use has been previously authorised by the planning authority.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement shall be implemented in full, save as may be required in order to comply with other conditions attaching to this order. This shall provide, inter alia, for groundwater monitoring.

Reason: To protect the environment and to ensure protection of the aquifer.

3. The conditions of appeal reference number PL 26.235738 shall apply in relation to the development, save where the planning authority agrees in writing to details being waived.

Reason: To protect the environment and the amenities of the area and to ensure the proper planning and sustainable development of the area.

4. Should the development permitted by An Bord Pleanála reference number 26.QD.0027 not proceed the quarry shall be restored in accordance with a detailed restoration plan for the site to be submitted to the planning authority for 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, public safety measures and a timetable for implementation.

Reason: To ensure the satisfactory restoration of the site.

5. 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 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.

6. 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 within three 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 2017.