

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: EUQY 60

An Bord Pleanála Reference Number: 05E.SU.0125

APPLICATION FOR SUBSTITUTE CONSENT by McDaid Quarries care of Michael Friel of Creeslough, County Donegal 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: Crislaghkeel, Burnfoot, Lifford, 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 provisions of the Donegal County Development Plan 2012-2018,
- (d) the revised remedial Environmental Impact Statement and drawings submitted to An Bord Pleanála on the 15th day of January, 2016,
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (h) the submissions on file,

- (i) the site's planning history,
- (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.

Environmental Impact Assessment

The Board had regard to the revised 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.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that, subject to compliance with the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the subject development on the environment are and have been acceptable. The subject development is and has been 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 revised plans and particulars submitted to An Bord Pleanála on the 15th day of January, 2016, except as may otherwise be required in order to comply with the following conditions.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application and in the revised remedial Environmental Impact Statement and does not authorise any structures or any future development, including future excavation, on this site. This grant of substitute consent relates only to the quarry site area of approximately 21 hectares submitted for determination to An Bord Pleanála under section 261A(2)(a) of the Planning and Development Act, 2000, as amended, and as determined by An Bord Pleanála on the 14th day of June, 2013 under An Bord Pleanála reference number 05E.QV.0007 and as amended by Board Order dated the 23rd day of October, 2013 under An Bord Pleanála reference number 05E.QV.0007M.

Reason: In the interest of clarity.

2. The quarry shall be restored in accordance with the particulars submitted to An Bord Pleanála as further information on the 30th day of August, 2016. Works in this regard shall commence within six months of the date of this order. The works shall incorporate suitable tree and shrub planting to ensure an adequate screen along the road boundary. No works shall result in a breach of the ground water table. Lagoon construction shall be supervised by a suitably-qualified engineer in a manner agreed in writing with the planning authority.

Reason: In the interest of public amenity and environmental protection and to ensure the satisfactory restoration of the site.

3. The existing groundwater abstraction lagoon associated with the concrete batching plant shall be permanently protected from contamination. Details of suitable proposals in this regard shall be submitted to the planning authority for written agreement within three months of the date of the order.

Reason: In order to protect groundwater resources.

4. There shall be no discharge of quarry water from the site to any roadside drain or adjacent watercourse in the absence of a Discharge Licence.

Reason: In order to protect ground and surface waters.

5. 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 in the interest of visual amenity.

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 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 permission.

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

Dated this day of 2016.