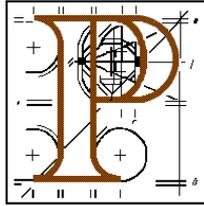


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Donegal County**

**Planning Register Reference Number: EUQY127**

An Bord Pleanála Reference Number: 05E.SU.0126

**APPLICATION FOR SUBSTITUTE CONSENT** by Eamonn Coyle 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:** Carrick, Derrybeg, 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

The Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts 2000 to 2015 and in particular Part XA,
- ‘the Quarries and Ancillary Activities, Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government April 2004,
- the provisions of the current Donegal County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority submitted under section 177I of the Planning and Development Act, 2000, as amended,
- the report of the Board’s Inspector including in relation to the potential significant effects on the environment,
- the site’s planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

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. The Board considered that the remedial Environmental Impact Statement was satisfactory in addressing the environmental effects of the development and also agreed with the conclusions in relation to the acceptability of mitigation measures proposed and that the residual effects resulting from the development on the environment would be or would have been acceptable.

Having regard to the foregoing, it is considered that the subject development, subject to compliance with the conditions set out below, is not contrary to the proper planning and sustainable development of the area.

### CONDITONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 28<sup>th</sup> day of November 2014, as amended by the further information submitted to An Bord Pleanála on the 3<sup>rd</sup> day of February, 2015 and the 9<sup>th</sup> day of May, 2016, except as may otherwise 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 and the development shall be 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 structure or any future development, including excavation, on this site.
- (c) For the avoidance of doubt, this grant of substitute consent only applies to circa 3.5 hectare site 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 the Board on the 1<sup>st</sup> day of April, 2014 under An Bord Pleanála reference number 05E.QV.0313.

**Reason:** In the interest of clarity.

2. The developer shall arrange for the immediate removal of potentially pollutant material from the site, including any fuels, rubbish, chemicals and disused machinery within one month of the date of this order.

**Reason:** To reduce the visual impacts on the area and to reduce the potential for surface water pollution.

3. A comprehensive plan, based on the remedial Environmental Impact Statement and the further information submitted to An Bord Pleanála on the 9<sup>th</sup> day of May 2016, for the restoration of the entire quarry, including timelines, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The following shall apply in relation to the design and implementation of the plan:
  - (a) site restoration providing for the immediate re-vegetation of the site where suitable, and
  - (b) the incorporation of landscaping and planting as indicated in section 9.23 and 9.24 of the remedial Environmental Impact Statement received with the application for substitute consent on the 20<sup>th</sup> day of November, 2014 and as clarified and augmented by the further information submitted to An Bord Pleanála on the 9<sup>th</sup> day of May, 2016.

**Reason:** In the interest of visual amenity.

4. 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 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 restoration of any part of the development. The form and amount of security shall be agreed between the planning authority and the developer or in default of an agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site.

5. 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 was 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**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 application for substitute consent.

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

**Dated this            day of            2016.**