

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Leitrim County

Planning Register Reference Number: QR 01

An Bord Pleanála Reference Number: 12.SU.0133

APPLICATION FOR SUBSTITUTE CONSENT by Sandlewood Limited care of Eugene O'Neill Architects of 5 Union Street, Sligo Town 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: Lisculle Upper, Drumkeeran, County Leitrim.

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 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Leitrim County Development Plan 2015-2021,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (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 planning history of the site,
- (h) the determination of An Bord Pleanála in relation to the application for review of notice reference number 12.QV.0011,
- (i) the wastewater discharge licence,
- (j) the mitigation measures which are in place and the further remedial measures proposed,
- (k) the nature and scale of the development the subject of this application for substitute consent,
- (l) the limited nature and scale of traffic generated by the development,
- (m) the pattern of development in the area, and
- (n) the report of the Planning Inspector.

Environmental Impact Assessment

The Board considered the nature, scale and location of the subject development, the remedial Environmental Impact Statement, the documentation submitted with the application generally, the planning, registration and quarry review history of the site, 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 subject development, by itself and cumulatively with other development in the vicinity, and concluded that the development of the quarry was not and would not be likely to have significant effects on the environment. In doing so, the Board adopted the report of the Inspector.

Conclusions

Having regard to the decisions made in respect of an Environmental Impact Assessment, the Board is satisfied that the subject development did not and does not seriously injure the amenities of the area or of property in the vicinity, and 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, and by further information submitted on the 24th day of August, 2015, 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 and the development shall be in accordance with the agreed particulars.
- (b) The 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, including further quarrying or any further excavation, on the subject site.

Reason: In the interest of clarity.

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

Reason: In the interests of the conservation of the environment.

3. Within six months of the date of this order, proposals for the following, to include a timeframe for implementation, shall be submitted to the planning authority for written agreement:

- (i) A programme for monitoring of groundwater levels and groundwater quality within the site, to include groundwater wells at locations around the boundary of the application site and working quarry (up gradient and down gradient of quarry).

- (ii) A programme for monitoring surface water flows at locations around the quarry including drainage and watercourses unconnected to the lagoon system of drainage within the quarry.

Reason: To ensure protection of groundwater quality and surface water bodies.

4. Within six months of the date of this order, construction-stage details of improvements to the surface water management system, and a timeframe for implementation, shall be submitted to, and agreed in writing with, the planning authority. These details shall address any on-going 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 reducing sedimentation within surrounding watercourses and drains to an acceptable level.

Reason: In the interests of orderly development and the protection of the environment.

5. Implementation-stage details of the restoration of the quarry generally in accordance with the remedial Environmental Impact Statement shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order and which shall include the following:
- (a) details relating to the finished gradients of the quarry face,
 - (b) the control of dust emissions until such time as the restoration is established,
 - (c) a scheme of landscaping and tree planting,
 - (d) details of fencing,
 - (e) proposals for an aftercare programme of five years, and
 - (f) a timeframe for implementation, including proposals for phasing of the restoration works.

Reason: In the interest of protection of the environment, landscape and public safety.

6. 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 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 completion of the development.

7. 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.

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

Dated this day of 2016.