



An  
Bord  
Pleanála

**Board Direction**  
**BD-003025-19**  
**ABP-301177-18**

The submissions on this file and the Inspector's report were considered at a further meeting of all available Board members held on April 24<sup>th</sup> 2019.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, for the reasons and considerations, and subject to the conditions, set out below.

Note: The Board considered this application for substitute consent at the same meeting as file ref. no. 06S.SU0061, an application for substitute consent for another portion of the overall quarry at this location and file ref no. 06S.QD0026, an application for permission for further quarrying development of that site.

### **REASONS AND CONSIDERATIONS**

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, 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 South Dublin County Development Plan 2016-2022,
- (d) the remedial Environmental Impact Assessment Report submitted with the application for substitute consent and supporting documentation, and the submissions received from the applicant in response to the Section 132 notice from An Bord Pleanála on the 15<sup>th</sup> day of June 2018.
- (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/observations made in accordance with regulations made under section 177N of the Planning and Development Act 2000, as amended,
- (g) the decision of An Bord Pleanála to grant leave to apply for substitute consent under Section 177D of the Planning and Development Act 2000, as amended, under file reference number 06S.LS0025 on the 21<sup>st</sup> day of December 2017,
- (h) the pattern of development in the area and the planning history of the subject site and adjoining lands,
- (i) the nature and scale of the development the subject of this application for substitute consent, and the nature and scale of the development the subject of an associated application for substitute consent on the adjoining portion of the overall lands, under reference number 06S.SU0061
- (j) the Inspector's Report, including in relation to potential significant effects on the environment and on the integrity of European sites in the area.

## **Environmental Impact Assessment**

The Board considered the nature, scale and location of the subject development, the remedial Environmental Impact Assessment Report and the documentation submitted with the application generally. The Board considered that the Environmental Impact Assessment Report submitted with the application identified and described adequately the direct, cumulative 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, agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, and adopted his analysis and conclusions in this regard. The Board was therefore satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this order, the effects of the development that has taken place on the environment has been, and would be, acceptable.

## **Appropriate Assessment Screening**

The Board had already determined, in its decision on the application for leave to apply for substitute consent, under file reference number 06S.LS0025, that the development in question did not have, and would not be likely to have had, significant effects on any other European sites, in view of the qualifying interests and conservation objectives of these sites. Therefore there is no requirement, in the case of the present application for substitute consent, to carry out a further appropriate assessment screening, or an appropriate assessment.

## **Conclusion**

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that the subject development that has taken place 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 on the 9<sup>th</sup> day of March 2018 and on the 15<sup>th</sup> day of June 2018, and relates solely to the area as outlined in red on the drawings submitted on those dates, except as may otherwise be required in order to comply with the following conditions.
  - (b) This 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 any further quarrying or any further excavation below the level of +34metres OD.

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

2. A detailed plan for the restoration of the subject site, based solely on the extent of quarry extraction that has taken place to date, shall be submitted to, and agreed in writing with, the planning authority within twelve months of the date of this order, unless, prior to that time, a planning permission has been granted for the further quarry development within the area covered by this grant of substitute consent.

**Reason:** In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

3. Unless permission is granted for the further quarry development within the area covered by this grant of substitute consent has been granted prior to that date, the developer shall lodge with the planning authority, within twelve months of the date of this order, 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 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.

### **COSTS**

The Board determined the costs required to be paid under section 177 (k) (2) in accordance with the Board's standard policy in this regard, as follows:

To be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application.	nil
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	nil

Board Member: \_\_\_\_\_ Date: 14<sup>th</sup> May 2019  
Philip Jones