



An
Bord
Pleanála

Board Direction
BD-005532-20
ABP-302759-18

The submissions on this file and the Planning Inspector's report were considered at a Board meeting held on March 20th, 2020.

The Board decided to refuse leave to apply for substitute consent, for the Reasons and Considerations set out below.

Reasons and Considerations

Having regard to Section 177D of the Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the Board is satisfied that Environmental impact assessment and Appropriate assessment is required, in the light of the scale and nature of the quarrying that has been carried out. Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard, the Board:

- considered that regularisation of the development to the open disturbed areas of the quarry as of 2012 and not the current overall quarry complex, would

circumvent the purpose and objectives of the Environmental Impact Assessment Directive and the Habitats Directive,

- considered that, notwithstanding the documentation submitted, the applicant could not reasonably have had a belief that the development was not unauthorised, having regard to the scale and nature of the quarrying operations that have been undertaken on the subject site since at least the year 2000 and the planning and enforcement history of the subject lands,
- considered that the development would not allow for adequate consideration of the actual or likely significant effects on the environment or the adverse effects on the integrity of European sites resulting from the carrying out or continuation of the development,
- considered that the extent to which significant effects on the environment or adverse effects on European sites could be remedied would be limited by virtue of the additional and ongoing quarrying activities since 2012,
- considered that there is no authorisation for the quarry on site and the scale and extent of quarrying, and the intensity and methods of extraction utilised could not reasonably be the same as that asserted to be envisaged prior to the 1st day of October 1964 and that, on the basis of the documentation and submissions on file, including enforcement files and documentation supplied by the Planning Authority, considered that the applicant has previously carried out unauthorised development on this site.

The Board concluded that exceptional circumstances do not exist such that it would be appropriate to permit the regularisation of the development by permitting leave to apply for substitute consent in relation to the site outlined in this application, and decided to refuse leave to make an application for substitute consent.

The Board decided not to invoke its powers under section 177L, which enable the serving of a draft direction on the applicants to cease all or part of their activity and

operations on or at the subject site, having regard to the enforcement by the planning authority.

Board Member

Date: 26/03/2020

Chris McGarry