



The submissions on this file and the Inspector's report were considered at a Board meeting held on May 23rd 2018.

The file was considered at the same meeting as file 06S.SU0068, an application for substitute consent for the quarry at this location.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The proposed development relates to a site in respect of which an application for substitute consent has been refused under the provisions of Section 261A of the Planning and Development Act 2000, as amended, and accordingly is unauthorised for the carrying on of quarry operations by operation of law under Section 177O (5) of the Act. The proposed development would constitute an intensification of this unauthorised development, and it is considered inappropriate that the Board should consider the grant of a permission for the proposed development in such circumstances.
2. It is considered that the Environmental Impact Statement submitted with the application is significantly and materially deficient, and does not comply with the minimum requirements for such a document, as set out in Article 94 and Schedule 6 to the Planning and Development Regulations 2001, as amended, by reason of:-

- a) The failure to adequately describe the proposed development, inclusive of the physical characteristics of the proposal, the relevant extraction processes, the nature and quantity of extracted materials, the land-use requirements during the construction and operational phases, phasing and methodology of previous extraction, residues and emissions from the relevant development, monitoring, decommissioning and rehabilitation;
- b) The inadequacy of data required to identify and assess the main effects which the proposed development would be likely to have on the environment, either directly or indirectly, in terms of their character, magnitude, duration and consequences;
- c) The lack of details of material significance and substance in regard to considerations on the overall development relating to the application with regard to impacts on human beings, flora, fauna, soil, water, air, the landscape, material assets, cultural heritage and the inter-relationship between these factors.

Accordingly, the Board is not in a position to carry out an Environmental Impact Assessment of the proposed development and cannot be satisfied that the development would not have significant adverse effects on the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the documentation submitted with the application, and having regard to the lack of data provided in relation to the traffic movements directly associated with the further development of this quarry, the Board cannot be satisfied that the proposed development would not lead to significant intensification of traffic movements directly onto a National Primary Road, the N7, and therefore cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard, and would not adversely affect the use of a national road by traffic. The proposed development would, therefore, be contrary to the proper planning and development of the area.

Note 1: The Board noted that the planning application included proposals for waste management and disposal, involving the importation of inert top soil and subsoil. Having regard to the statutory provisions, the Board was not satisfied that this form of development comes within the ambit of Section 37L of the Planning and Development Act 2000, as amended, as this legislative provision is limited to applications for the further development of a quarry (as specified in Section 37L (3)). Accordingly, the Board limited its consideration of the application to the proposal to further develop the quarry in question.

Note 2. In arriving at its decision, the Board considered that, given the extremely poor quality of the Environmental Impact Statement submitted with the application, and in particular the inclusion within the application of proposals for waste management and disposal, and in particular the lack of data, including accurate baseline information, it would not be appropriate to seek further information from the applicant in this case, as this would require a fundamental alteration to the content and scope of the application that had been submitted.

[Please issue a copy of this Direction with the Board Order to the parties]

Board Member

Date: 9th August 2018

Philip Jones