



Board Direction

Ref: 07.SU0053

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10th February 2017.

This file was considered at the same time as that relating to 17.QD0014.

It was noted that the final report and recommendation on this case was made by Mr. Paul Caprani, Senior Planning Inspector (December 2016). This report followed on from the earlier report carried out by Mr. John Desmond (February 2014), which had already been considered by the Board at its meeting held in May 2015, and formed the basis for the additional information request issued by the Board in June 2015.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

The Board also determined provisional costs, as set out below.

REASONS AND CONSIDERATIONS

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

- the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- The provisions of the Galway County Development Plan 2015 to 2021,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- the submissions on file,
- the site's planning history, including the history of various authorisations for quarrying and ancillary activities at this location

dating back to 1977, and the planning registration for the quarry under section 261 of the P&D Act,

- the pattern of development in the area including evolving settlement patterns and the separation distance between the quarry and sensitive receptors,
- the nature and scale of the development the subject of this application for substitute consent, and
- the reports of the Board's inspectors, including in relation to potential significant effects on the environment,

The Board had regard to the remedial environmental impact statement submitted in support of the application, and the subsequent further information submitted to An Bord Pleanála (received on 28th September 2015) and completed an environmental impact assessment in relation to the development in question. The Board considered that the assessment and conclusions of the Inspectors' reports were satisfactory in identifying the describing the direct, indirect, secondary and cumulative effects of the development undertaken. The Board adopted the final Inspector's report (December 2016) and agreed with the Inspector's conclusions, in relation to the acceptability of mitigation measures and residual effects. The Board was therefore satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this order, the effect of the development that has taken place on the environment has been, and would be, acceptable.

It is considered that, subject to compliance with the conditions set out below, a grant of substitute consent for the subject development is 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 23rd July, 2013 and the 28th September, 2015 except as may otherwise be required in order 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 carried out in accordance with the agreed particulars.

(b) This grant of substitute consent relates only to works undertaken, as described in the application, and does not authorise any future development including the excavation.

Reason: In the interest of clarity.

2. All environmental mitigation measures set out in 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 interest of clarity and of environmental protection.

3. A restoration plan, generally as set out in the additional information submitted to An Bord Pleanála on 28th September, 2015 and including a timeframe for implementing same, shall be submitted to the planning authority for written agreement within three months of the date of this order.

Reason: In the interest of orderly development, public safety and visual amenity.

4. All obsolete machinery, tyres, equipment and plant which is no longer used as part of the excavation of processing materials on site shall be removed from the site by a licensed contractor within three months of the date of this decision.

Reason: To reduce potential for pollution of water resources, and to improve the visual amenities of the area.

5. 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 planning 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 development.

6. Special contribution s48(2)(c) (€40,000) in relation to remediation (overlay) of local road L6182 between the quarry entrance and the national road (N17), as set out in the planning authority submission received by ABP on 7th October 2013.

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.	€2,200
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	€1,125

Board Member: _____ Date: 13th February 2017
Conall Boland