



Board Direction

Ref: SU07.SU0055

The submissions on this file and the Inspector's report were considered at a further Board meeting held on April 27th, 2017.

The Board had regard to all documentation on file including the applicant's response to the S.132 request and the submissions subsequently received in respect of the S.132 response.

The file relating to further development of an existing quarry under ABP Ref. No. QD07.QD0021 was considered at the same meeting.

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

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- the provisions of the Planning and Development Regulations 2001, as amended,
- the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004,
- the provisions of the Galway County Development Plan 2015-2021,
- the remedial Environmental Impact Statement and the remedial Natura Impact Statement submitted with the application for substitute consent,
- the submissions received in response to the Section 132 Notice from the Board,

- the reports and the opinion of the planning authority under section 177I of the 2000 Act, as amended,
- the submissions and observations made in accordance with regulations made under section 177N of the 2000 Act, as amended, including submissions in respect of the N6 Galway City Outer Bypass,
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the nature of the development the subject of this application for substitute consent,
- the proximity of the site to the Lough Corrib Special Area of Conservation (site code 000297); and the Lough Corrib Special Protection Area (site code 004042), and
- the reports of the planning inspectors.

Appropriate Assessment

Having regard to the nature, scale and extent of the subject development, the Natura Impact Statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessments, the Board completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, having regard to the conservation objectives of those sites. In reaching this conclusion the Board adopted the reports of its planning inspectors.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board adopted the Inspectors' reports and considered that the Inspectors' reports were satisfactory in addressing the environmental effects of the development and also agreed with the conclusions in relation to the acceptability of mitigation measures proposed and residual effects and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the development on the environment have been acceptable.

Conclusions on the Proper Planning and Sustainable Development of the Area

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that, subject to compliance with the conditions set out below, the development which has been undertaken did not give rise to an unacceptable level of environmental impact, did not seriously injure the amenities of the area or of property in the vicinity and, therefore, is not, and has not been, contrary to 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 for substitute consent and in the further particulars submitted to An Bord Pleanála on the 22nd of January 2016, except as may otherwise be required in order to comply with the following conditions.

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

3. Within three 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 such other security acceptable to the planning authority 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 site. 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 this site in the interest of visual amenity.

4. 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 is provided or intended to be 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 three 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

COSTS

At a further meeting on May 18th, 2017, 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.	€20,821
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application.	€1,125

Board Member: _____ Date: May 18th, 2017
Nicholas Mulcahy