



The submissions on this file and the Inspector's report were considered at a further meeting of all available Board members held on April 24th 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 the application for permission for further quarrying development of this site under file ref no. 06S.QD0026, and also file 301177-18, an application for substitute consent for another portion of the overall quarry at this location.

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 2010-2016,

- (d) the revised remedial Environmental Impact Statement and revised remedial Natura Impact Statement submitted on the 14th day of August 2015,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act, 2000, as amended,
- (g) the submissions/observations made in accordance with regulations made under section 177N of the Planning and Development Act 2000, as amended,
- (h) the pattern of development in the area and the planning history of the subject site and adjoining lands,
- (k) the nature and scale of the development the subject of this application for substitute consent, and
- (l) 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 completed an Environmental Impact Assessment in relation to the development in question, and also in relation to the cumulative impacts with the adjoining quarry, and concluded that the revised remedial Environmental Impact Statement submitted on the 14th day of August 2015 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 was satisfied that the information before it was adequate to undertake an Appropriate Assessment screening in respect of the subject development. The Board concurred with the analysis and conclusions of the Inspector and adopted his report. The Board was satisfied that, by itself and in combination with other development in the vicinity, the development did not have, and would not be likely to have had, significant effects on any other European sites, other than the South Dublin Bay Special Area of Conservation (Site Code 000210) and the South Dublin Bay and Tolka Estuary SPA (site code 004024), arising from the significant separation distances involved, and otherwise an absence of potential for connectivity.

Appropriate Assessment

Having regard to the nature, scale and location of the development, the revised remedial Natura Impact Statement, the documentation on file generally, the planning history of the site, the submissions on file, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on the South Dublin Bay Special Area of Conservation (Site Code 000210) or on the South Dublin Bay and Tolka Estuary SPA (site code 004024). The Board concurred with the analysis and conclusions of the Inspector in relation to this matter and adopted his report. The Board therefore concluded that, either individually or in combination with other plans or projects, the subject quarry has not adversely affected and would not adversely affect the integrity of the South Dublin Bay Special Area of Conservation (Site Code 000210) and the South Dublin Bay and Tolka Estuary SPA (site code 004024,) in view of the qualifying interests and conservation objectives of these sites.

Conclusion

Having regard to the acceptability of the environmental impacts, and the lack of adverse impacts on Natura sites, 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 14th day of August 2015, and relates solely to the area of 18.2 hectares, as outlined in red on the drawings submitted on that date (and not those in the original submission with the application on the 18th day of September 2013), 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 levels shown on the submitted drawings.

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, and without reference to any further quarrying outside the subject site, as defined in condition 1 of this order, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the further development of the quarry permitted under An Bord Pleanála reference number 06S.QD0026 has been commenced prior to that date.

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

3. Unless the further development of the quarry permitted under An Bord Pleanála reference number 06S.QD0026 has been commenced prior to that date, the developer shall lodge with the planning authority, within six 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.	€387.00

Board Member: _____ Date: 13th May 2019

Philip Jones