



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.QD0003, an application for further development of the quarry under Section 37L 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

It is considered that the remedial Environmental Impact Statement submitted with the application for substitute consent 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:-

1. The failure to adequately describe the proposed development relating to the application for substitute consent, in accordance with the planning authority's notice under Section 261A of the Planning and Development Act 2000, as amended, 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;

2. The failure to describe the existing environment prior to the quarry extraction the subject of the application, culminating in the lack of understanding of the context, character and sensitivity of that environment or any baseline against which environmental impact can be assessed;
3. The inadequacy of data required to identify and assess the main effects which the development that has taken place would likely to have had on the environment, either directly or indirectly, in terms of their character, magnitude, duration and consequences;
4. 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 cannot be satisfied that the development that has taken place at this location would not have had significant adverse effects on the environment. The development in question is, therefore, contrary to the proper planning and sustainable development of the area.

Note 1: In arriving at its decision, the Board considered that, given the extremely poor quality of the remedial Environmental Impact Statement submitted with the application, and in particular the lack of baseline information and the fact that the application for substitute consent does not relate to the area of the quarry that was the subject matter of the planning authority's notice under Section 261A, 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. In addition, the Board noted that the current application for substitute consent appeared to include production buildings and proposals for waste importation, which are outside the statutory ambit for an application for substitute consent for a quarry. In this regard, the Board concurred with the views of the Planning Authority, in its submissions of 20th November 2013 and 3rd February 2014.

Note 2: The Board considered the provisions of Section 177L, which allow the Board to require that the applicant cease all or part of the quarrying activity or to carry out remedial measures within a specified period. The Board decided not to invoke these provisions, as the planning status of the quarry is clear in the light of Section 177O(5) of the Act, which states, inter alia, that “where an application for substitute consent is refused by the Board under Section 177K, the development shall, notwithstanding any other provision of the Act, be deemed to be unauthorised”. Accordingly, it is considered that the matter should be addressed through the appropriate mechanisms available to the planning authority.

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

Board Member

Philip Jones

Date: 9th August 2018