



Board Direction

Ref: SU07.SU0072

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25th October 2016.

The Board decided to grant substitute consent generally in accordance with the Inspector's recommendation, subject to the amendments shown 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 2015-2021,
- the remedial Environmental Impact Statement and the remedial Natura impact statement submitted with the application for substitute consent,
- the further information submitted on 13th January 2014 and 22nd June 2015;
- the report and the opinion of the planning authority under section 177I,
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the submissions on file,
- the site's planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent, and
- the application for Further Development at this quarry QD.0016.

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 assessment, the Board completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Lough Corrib SAC (site code 000297). The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects did not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

The Board had regard to the remedial environmental impact statement and completed an environmental impact assessment in relation to the development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects and that the subject development was not likely to have had a significant effect on the environment.

Having regard to the acceptability of the ecological and environmental impacts as set out in the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development is not contrary to the PP and SD 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 on 12th November 2013 as amended by the further information submitted on 13th January 2014 and 22nd June 2015 and relates only to development undertaken as described in the application and remedial EIS, as amended, and does not authorise any structures or any future development, including excavation, on this site.
 - (b) For the avoidance of doubt, this grant of substitute consent relates only to the quarry site area of approximately 6.135ha.

Reason: In the interest of clarity.

2. The quarry shall be restored in accordance with the particulars submitted to the Board as further information on 22nd June 2016. Works in this regard shall commence within six months of the date of this order and shall be completed to the written

satisfaction of the PA within 2 years of the date of the order, unless the development permitted under ABP reg. ref. QD0016 has been commenced.

Reason: To ensure the satisfactory restoration of the site.

3. There shall be no discharge of quarry water from the site to any roadside drain or adjacent watercourse in the absence of a Discharge Licence.

Reason: In order to protect ground and surface waters.

4. Within six months of the date of the order, unless the development permitted under ABP reg.ref. QD0016 has been commenced, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the PA to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the PA and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure satisfactory restoration of the site in the interest of visual amenity.

5. S.48(2)(c) - €5000 – for upgrading and repair of local road network; within 6 months of date of the order.

The Board determined provisional costs as follows:

To An Bord Pleanála:	€3,216.50
To the PA:	€1,125.00

Board Member: _____ Date: 27th October 2016
G.J. Dennison