



Board Direction

Ref: SU16.SU0108

The submissions on this file and the Inspector's report were considered at a further Board meeting held on February 24th, 2016.

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

REASONS AND CONSIDERATIONS

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

- the provisions of the Planning and Development Acts, 2000 to 2014, as amended, and in particular Part XA,
- 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 Mayo County Development Plan 2014-2020,
- the submissions made in accordance with regulations made under section 177N of the Planning and Development Act 2000, as amended,
- the information contained in the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- the nature and limited scale of the development subject of this application for substitute consent,
- the pattern of development in the area and the absence of concurrent activity in the adjoining quarry to the north of the site,

- the planning history of the site,
- the report of the Board's Inspector, including in relation to potential significant effects on the environment.

In respect of AA screening the Board agreed with, and adopted, the Inspector's screening report and her conclusion that the Lough Carra/Lough Mask Complex SAC (sited code 001774); Lough Carra SPA (site code 004051) and Lough Mask SPA (site code 004062) in particular, are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in the vicinity of the site and in particular for Lough Carra/Lough Mask Complex SAC (sited code 001774); Lough Carra SPA (site code 004051) and Lough Mask SPA (site code 004062), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the AA, the Board accepted, and adopted, the Appropriate Assessment undertaken by the Inspector in respect of the potential effects of the proposed development on European sites in the vicinity of the site, in particular the aforementioned European Sites, having regard to the sites' Conservation Objectives.

The Board concluded that the quarry, by itself, or in combination with other plans or projects, has not and would not adversely affect the integrity of any European sites in the vicinity in view of the sites' conservation objectives and is, therefore, not contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with plans and particulars submitted to An Bord Pleanála with the application on the 14th July 2014 and the 7th August 2014 except as otherwise may be required 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 in accordance with the agreed particulars.

- (b) The 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 on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Natura impact statement associated documentation shall be implemented in full save as may be required to comply with the conditions attaching to this order. A timescale for implementation shall be submitted to and agreed in writing with the planning authority within 3 months of the date of this order.

Reason: In the interests of the conservation of the environment, of the amenities of the area and of property in the vicinity.

3. a) The quarry shall be allowed to restore by natural means only.
- b) All hedgerows and mature trees on site shall be retained.
- c) All plant and machinery shall be removed from site within a time scale which shall be submitted to and agreed in writing with the planning authority within 3 months of the date of this order.

Reason: In the interest of visual amenity, public safety and nature conservation.

4. Within three months of the date of this order, details plans for the eradication of invasive species, as referred to in the remedial NIS, including the timeframe for implementation, shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of nature conservation.

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	€1,500
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application	€Nil

Board Member: _____ Date: March 2nd, 2016
Nicholas Mulcahy