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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: QY23**

**Application for Leave To Apply For Substitute Consent**, by Phoenix Rock Enterprises Limited, trading as Frank Pratt and Sons Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Dublin.

**Development:** Quarry at Moyfin, Longwood, County Meath.

**Decision**

**REFUSE** leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to section 177D of the Planning and Development Act, 2000, as inserted by section 57 of the Planning and Development (Amendment) Act, 2010, the Board considered that Environmental Impact Assessment and that Appropriate Assessment is required in respect of the subject development. Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to permit the regularisation of the development by permitting leave to make an application for substitute consent.

In this regard, the Board:

- considered that the regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive and of the Habitats Directive,
- considered that the applicants could not reasonably have had a belief that the development that has taken place was not unauthorised, having regard to the planning history and enforcement history of the subject lands,
- considered that the ability to carry out an assessment of the environmental impacts of the development for the purposes of an environmental impact assessment and an Appropriate Assessment, and for the public to participate in such an assessment, has not been substantially impaired,
- considered that the development was likely to have had significant effects on the environment and may have had significant effects on a European site, having regard to the planning and enforcement documentation submitted by the planning authority,

- considered that significant effects on the environment and on a European site could be remediated, and
- considered that, on the basis of the planning history and enforcement information provided by the planning authority (including details of inspections carried out by the authority), it is evident that the applicants had previously carried out unauthorised development, particularly having regard to the terms of condition number 2 of planning authority file reference number QY/23, which limited the duration of quarrying on these lands to a period of 10 years from 16<sup>th</sup> April 2007, and furthermore which did not permit quarrying/excavation outside the blue line on the site map submitted by the applicants to the authority in 2005, unless a separate grant of planning permission had been obtained.

The Board concluded that exceptional circumstances do not exist such that it would be appropriate to permit the regularisation of the development by permitting leave to apply for substitute consent, and decided to refuse leave to make an application for substitute consent.

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**Philip Jones**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**