

An
Bord
Pleanála

Board Order
ABP-310605-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Application for Leave To Apply For Substitute Consent by John Madden and Sons care of Tobin Consulting Engineers of Fairgreen House, Fairgreen Road, Galway.

Development: Quarry at Ballysheedy, Gort, County Galway.

Decision

GRANT 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.

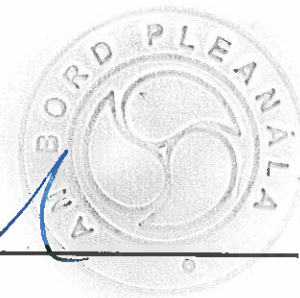
Reasons and Considerations

Having regard to Section 177D of the Planning and Development Acts, 2000-2016, as inserted by Section 57 of the Planning and Development (Amendment) Act 2010, and taking account of the following matters:

- (a) the regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or Habitats Directive;
- (b) the applicant had, or could reasonably have had, a belief that the development was not unauthorised;
- (c) the ability to carry out an assessment of the environmental impacts of the development for the purpose of an Environment Impact Assessment and Appropriate Assessment and in particular to provide for public participation in such assessment, has not been substantially impaired;
- (d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European Site, if any, resulting from the carrying out of the development, could likely be substantially remediated;

- (e) the applicant has not otherwise carried out any unauthorised development.

the Board is satisfied that the development is one where an Environment Impact Assessment or a determination as to whether Environment Impact Assessment is required, where Appropriate Assessment (AA) is also required, having regard to its proximity to European Sites, and where exceptional circumstances exist, and concluded that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.



Dave Walsh

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

Dated this 31st day of March 2022.