



An
Bord
Pleanála

Board Order
ABP-312006-21

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Application for Leave To Apply For Substitute Consent by McTigue Quarries care of Quarryplan Limited of 10 Saintfield Road, Crossgar, Downpatrick, County Down.

Development: Quarry at McTigue Quarries, Cartron Quarry, 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

Reasons and Considerations

Having regard to Section 177D(1) of the Planning and Development Act, 2000 – 2023, the Board considered that either an Environmental Impact Assessment or an Environmental Impact Assessment determination is required, and an Appropriate Assessment is required in respect of the development concerned and that exceptional circumstances exist such that the Board considered it appropriate to permit the opportunity for regularisation of the development by means of an application for substitute consent.

Having regard to Section 177D(2) of the Act, the Board considered these exceptional circumstances to be as follows:

- (a) The regularisation of the development concerned would not circumvent the purpose and objectives of the Environmental Impact Assessment (EIA) Directive or the 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 Environmental Impact Assessment or an Appropriate Assessment and to provide for public participation in such an 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 resulting from the carrying out or continuation of the development would be capable of being assessed by the submission of a remedial Environmental Impact Assessment Report and remedial Natura Impact Statement and the Board's subsequent Environmental Impact Assessment and Appropriate Assessment.

- (e) The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated would be capable of being assessed by the submission of a remedial Environmental Impact Assessment Report and remedial Natura Impact Statement and the Board's subsequent Environmental Impact Assessment and Appropriate Assessment.
- (f) The applicant has complied substantially with previous permissions and that, insofar as it has been responsible for unauthorised development, it is actively seeking to regularise such development.



Tom Rabbette

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

Dated this 27th day of Nov. 2023.