



An  
Bord  
Pleanála

## Board Order 09.LS.0023

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: QRA-28-004**

**Application for Leave To Apply For Substitute Consent**, by Sharon Browne care of Cross Architectural and Building Surveyors of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare.

**Development:** Quarry at Ballysax Great, The Curragh, County Kildare.

### **Decision**

**REFUSE** leave to apply for substitute consent under section 177D (4) of the Planning and Development Act, 2000, as inserted by section 57 of the Planning and Development (Amendment) Act 2010, 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, Planning and Development (Amendment) Act, 2010, the Board considered that a Stage II Appropriate Assessment is required in respect of the development concerned, and also that an Environmental Impact Assessment is required in respect of the development concerned.

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 circumvent the purpose and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- considered that the applicant could not reasonably have had a belief that the development was not unauthorised, particularly in light of the planning history of the subject site,
- considered that the ability to carry out an Environmental Impact Assessment and an Appropriate Assessment and for the public to participate in such assessments has been substantially impaired,
- considered that the development has had significant effects on the environment, in particular by way of impacts on nearby residents and the landscape, and may have adversely affected the integrity of a nearby European site,

