



An
Bord
Pleanála

Board Order
06S.LS.0025

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SDQU05A/2

Application for Leave To Apply For Substitute Consent, by Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin.

Development: Quarry at Belgard, Fortunestown, Tallaght, County Dublin.

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 Act, 2000, as amended, the Board considered that an environmental impact assessment is required, in the light of the scale and nature of the quarrying that has been carried out.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for 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 be likely to circumvent the purpose and objectives of the Environmental Impact Assessment Directive,
- considered that the applicant could not reasonably have had a belief that the development was not unauthorised,
- considered that the ability to carry out an Environmental Impact Assessment and for the public to participate in such an assessment has not been substantially impaired,
- considered the nature of the actual/likely significant effects on the environment resulting from the carrying out of the development,
- considered that the applicant had carried out unauthorised development due to this extension of quarrying, but noted that no enforcement action had been taken by the planning authority to address such unauthorised quarrying on the site, and

- considered that the actual or likely significant effects on the environment could be remediated;

and the Board further considered the following relevant matter:-

- the fact that an application for substitute consent had been required by the Planning Authority under Section 261A of the Planning and Development Act, 2000, as amended, only in respect of that part of the expansion of the quarry that took place after 2000, despite the significant extent of quarrying that had occurred in the preceding decade and considered that it would be appropriate that applications to regularise the entirety of the quarry expansion that had taken place over the extended period concerned should be permitted so as to allow the Board to properly and fully examine the impacts on the environment of this quarry expansion.

Taking all of the above into consideration, it is considered that exceptional circumstances exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

In not accepting the recommendation of the Senior Planning Inspector to refuse leave to apply for substitute consent, the Board took into account the totality of the considerations set out under Section 177D of the Act, including the exceptional circumstances outlined above, and considered it was appropriate to allow an opportunity to apply to regularise the overall quarry expansion, which would allow the Board to properly and fully examine the impacts on the environment of the quarry expansion that has taken place.

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

Dated this day of 2017