



An
Bord
Pleanála

Board Order 19.LS.0033

Planning and Development Acts 2000 to 2018

Planning Authority: Offaly County Council

Application for Leave To Apply For Substitute Consent, by Dermot Nally Stone Limited care of William Smyth of 114 Wesbury, Stillorgan, County Dublin.

Development: Quarry at Clonfinlough, County Offaly.

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, Planning and Development Act, 2000, as amended, the Board is satisfied that an environmental impact assessment and an appropriate 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 or of the Habitats Directive,
- considered that the applicant could not reasonably have had a belief that the quarrying development that took place after the 31st day of December, 2009 was not unauthorised, having regard to the terms and conditions of planning permission register reference number PL 2/03/191 (An Bord Pleanála reference number PL 19.205910).
- considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment and to carry out an appropriate assessment, and for the public to participate in such assessments, has not been substantially impaired,

