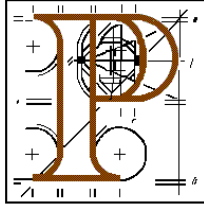


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: CKQY0106

An Bord Pleanála Reference Number: 04.LT.0001

APPLICATION FOR LEAVE TO APPLY FOR SUBSTITUTE CONSENT

pursuant to section 261A (20)(a) of the Planning and Development Act 2000, as amended, by Kilsaran Concrete (trading as Kilsaran Build) of Piercetown, Dunboyne, County Meath.

DEVELOPMENT: Quarry at Rossmore Quarry, Rossmore and Barryscourt townlands, Carrigtwohill, County Cork.

DECISION

GRANT leave to apply for substitute consent pursuant to section 261A-(20)(a) 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:

- the provisions of section 261A(20) of the Planning and Development Act 2000, as amended,
- the planning history of the site, including permission granted under planning register reference numbers 99/3410, 99/3411, 01/6604 and S03/4570,
- the determination of the section 261A Review of the site carried out by the planning authority, under reference number CKQY0106, which concluded that the assessment of the above planning applications did not constitute an Appropriate Assessment in the context of the EU Habitats Directive (notification of the 23rd day of August, 2012),
- the review of the above notification by An Bord Pleanála (file reference number 04.QV.0174) which confirmed the determination by the planning authority, with particular reference to planning register reference numbers 99/3410, 99/3411, and S03/4570 (Order dated the 21st day of January, 2014), and
- the subsequent application for substitute consent made by the owner/operator on the 29th day of August, 2014 (An Bord Pleanála reference number 04.SU.0117) which case has not yet been decided by An Bord Pleanála,

the Board is satisfied that the permissions granted by the planning authority under planning register reference numbers 99/3410, 99/3411, and S03/4570 were defective in a material respect, namely the assessment of the above

planning applications did not constitute an Appropriate Assessment in the context of the EU Habitats Directive. This is considered to comprise a procedural error, given that the permissions were issued following the coming into force of the EU Habitats Directive on the 26th day of February 1997.

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

Dated this day of 2016.