

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: QSP57

An Bord Pleanála Reference Number: 07.SU.0016

APPLICATION FOR SUBSTITUTE CONSENT by Fursey Whyte care of Oliver Higgins Consulting Engineering Limited of Unit 4B Oranmore Business Park, Oranmore, County Galway in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Cloonascragh (Townland), Cloonascragh, Ballinasloe, County Galway.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

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

In coming to its decision, the Board had regard to the following:

- (a) Council Directive 92/43/EEC on the Conservation and Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- (c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (d) the provisions of the current Galway County Development Plan,
- (e) the remedial Environmental Impact Statement and the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (g) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment.
- (i) the planning history of the site,

- (j) the pattern of development in the area, and

- (k) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

Having regard to the nature, scale and extent of the subject development, the Natura Impact Statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board adopted the Inspector's report and considered that the Inspector's report was satisfactory in addressing the environmental effects of the development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the development on the environment has been acceptable.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that the development which has been undertaken did not give rise to an unacceptable level of environmental impact or injury to the amenities of the area and, therefore, is not and has not been contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application for substitute consent and in the further particulars submitted to An Bord Pleanála on the 7th day of September, 2015, except as may otherwise be required in order to comply with the following conditions.
 - (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development, including excavation, on the said site.

Reason: In the interest of clarity.

2. Within three months of the date of this order, the developer shall submit to, and agree in writing with, the planning authority details of a site restoration plan, including a time schedule for implementation, based on the principles set out in the response to the further information request submitted to An Bord Pleanála on the 7th day of September, 2015. Specifically, the developer is directed to Section 4 of this response and to the report on the Molluscan Survey (Appendix 2) wherein guidance is offered on measures to restore and enhance the biodiversity of the former quarry/esker environment involving minimal intervention and natural regeneration processes.

Reason: To enhance and safeguard the amenities of the area.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the application for substitute consent.

4. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security acceptable to the planning authority to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the site. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of this site in the interest of visual amenity.

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

Dated this day of 2016.