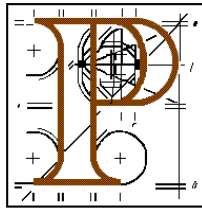


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: QY 106/CQ 106

An Bord Pleanála Reference Number: 16.SU.0035

APPLICATION FOR SUBSTITUTE CONSENT by Clonbur Concrete Group Limited care of Waldron and Associates of The Square, Claremorris, County Mayo in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

LOCATION OF QUARRY: Ballyhowley, Knock, County Mayo.

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) the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, in April 2004,
- (c) the provisions of the current Mayo County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the submissions made in accordance with regulations made under section 177N of the Planning and Development Act 2000, as amended,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended
- (g) the planning history of the site and the pattern of development in the area,
- (h) the separation distance from the site to sensitive receptors, including dwellings, and from European sites,
- (i) the proximity of the site to the R329 Regional Road and to the N17 National Road,
- (j) the historic working of the quarry above the water table and the consequent absence of the need for dewatering, and
- (k) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Appropriate Assessment Screening

The Board noted the fact that the planning authority, in requiring that an application for substitute consent be made, did not require that a remedial Natura impact statement be submitted in respect of this quarry. In conducting a screening exercise for Appropriate Assessment in relation to this application, the Board considered the nature, scale and location of the development, the documentation on file generally, the historic working of the quarry above the water table and the consequent absence of the need for dewatering, the absence of washing, and the content of the Inspector's report. The Board concurred with the conclusions of the Inspector in relation to the potential for impacts on European sites, which it adopted. The Board was, therefore, satisfied, having regard to the separation of the site from the nearest European Site (the River Moy Special Area of Conservation [site code 002298]), that, by itself and in combination with other development in the vicinity, the subject development did not have and would not be likely to have significant effects on this European Site, or on other European Sites, in the light of the conservation interests/qualifying interests of such sites.

Environmental Impact Assessment

The Board considered the nature, scale and location of the development, the remedial Environmental Impact Statement submitted by the applicant, the documentation submitted with the application generally, the submissions on file, the history of the subject site, and the Inspector's report. 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 that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, and adopted his analysis and conclusions in this regard. The Board was therefore satisfied that the subject development would not be likely to have had or have significant effects on the environment.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that the subject development would not be likely to have had or have significant effects on the environment. The subject development would, therefore, not be contrary to the proper planning and sustainable development of the area.

CONDITION

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, except as may otherwise be required in order to comply with the following conditions.
- (b) This grant of substitute consent relates only to development that had taken place up to the date of lodgement of the application for substitute consent, as described in the application, and does not authorise any future development, including any further quarrying or any further excavation on the site outlined in red on submitted drawings, and in particular does not authorise any quarrying on that part of the site shaded in green and marked 'A' on drawing Number 12-376-202/P.01, submitted with the application on the 7th day of May 2013.

Reason: In the interest of clarity.

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

Dated this day of 2016.