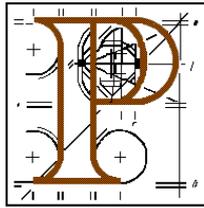


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

Planning Register Reference Number: QSP55

An Bord Pleanála Reference Number: 07.SU.0053

APPLICATION FOR SUBSTITUTE CONSENT by Harrington Concrete and Quarries care of Earth Science Partnership (Ireland) Limited, Tonranny, Westport, County Mayo in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Ardgaineen, Claregalway, 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) the provisions of the Planning and Development Acts, 2000 to 2016, 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, April 2004,
- (c) the provisions of the Galway County Development Plan 2015-2021,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (g) the site's planning history, including the history of various authorisations for quarrying and ancillary activities at this location dating back to 1977, and the planning registration for the quarry under section 261 of the Planning and Development Act, 2000, as amended (register reference number 07.QV.0056),
- (h) the pattern of development in the area including evolving settlement patterns and the separation distance between the quarry and sensitive receptors,
- (i) the nature and scale of the development the subject of this application for substitute consent, and
- (j) the reports of the Board's Inspectors, including in relation to potential significant effects on the environment.

Environmental Impact Assessment

The Board had regard to the remedial Environmental Impact Statement submitted in support of the application, and the subsequent further information submitted to An Bord Pleanála (received on the 28th day of September, 2015) and completed an environmental impact assessment in relation to the development in question. The Board considered that the assessment and conclusions of the Inspectors' reports were satisfactory in identifying the describing the direct, indirect, secondary and cumulative effects of the development undertaken. The Board adopted the final Inspector's report (December 2016) and agreed with the Inspector's conclusions, in relation to the acceptability of mitigation measures and residual effects. The Board was, therefore, satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this order, the effect of the development that has taken place on the environment has been, and would be, acceptable.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the subject development is in accordance with 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, as amended by the further plans and particulars submitted on the 28th day of September, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the subject development shall be carried out in accordance with the agreed particulars.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development including any future quarrying or any further excavation, on the subject site.

Reason: In the interest of clarity.

2. All environmental mitigation measures set out in the remedial Environmental Impact Statement and associated documentation shall be implemented in full, save as may be required to comply with the conditions set out below.

Reason: In the interest of clarity and of environmental protection.

3. A restoration plan, generally as set out in the additional information submitted to An Bord Pleanála on the 28th day of September, 2015 and including a timeframe for implementing same, shall be submitted to the planning authority for written agreement within three months of the date of this order.

Reason: In the interest of orderly development, public safety and visual amenity.

4. All obsolete machinery, tyres, equipment and plant which is no longer used as part of the excavation of processing materials on site shall be removed from the site by a licensed contractor within three months of the date of this order.

Reason: To reduce potential for pollution of water resources, and to improve the visual amenities of the area.

5. Within six 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 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 the site.

6. The developer shall pay the sum of €40,000 (forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the remediation (overlay) of local road L6182 between the quarry entrance and the national road (N17). This contribution shall be paid within six months of the date of this order or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the area of the subject development the subject of this application for substitute consent.

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

Dated this day of 2017.