

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Galway County

**Planning Register Reference Number: QSP 10**

An Bord Pleanála Reference Number: 07.SU.0073

**APPLICATION FOR SUBSTITUTE CONSENT** by Finnegans Sand Limited care of Archer Consulting Engineers of Mill Road, Boyle, County Roscommon 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:** Knockaunnagat, Dunmore. 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 making its decision the Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April 2004,
- the provisions of the Galway County Development Plan 2015-2021,
- the remedial Environmental Impact Statement and the remedial Natura impact statement submitted with the application for substitute consent,
- the further information received on the 13<sup>th</sup> day of January, 2014 and the 22<sup>nd</sup> day of June, 2015,
- the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- the report of the Board's inspector, including in relation to potential significant effects on the environment and potential significant effects on European sites,
- the submissions made in accordance with regulations under section 177N of the Planning and Development Act 2000, as amended,
- the planning history of the site,
- the pattern of development in the area, and
- 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, specifically the Lough Corrib Special Area of Conservation (Site Code 000297). The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects did not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

### Environmental Impact Assessment

The Board had regard to the remedial Environmental Impact Statement and completed an Environmental Impact Assessment in relation to the development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects. Having regard to the acceptability of the ecological and environmental impacts as set out in the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development is not 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 on the 12<sup>th</sup> day of November, 2013, as amended by the further information submitted on the 13<sup>th</sup> day of January, 2014 and the 22<sup>nd</sup> day of June, 2015, except as may otherwise be required in order to comply with the following conditions, and relates only to development undertaken as described in the application and remedial Environmental Impact Statement, as amended.  
  
(b) This grant of substitute consent relates only to development that has been undertaken, as described in the application, within the site area of approximately 4.579 hectares and does not authorise any structures or any future development or further excavation, on this site.

**Reason:** In the interest of clarity.

2. The quarry shall be restored in accordance with the particulars submitted to the Board as further information on the 22<sup>nd</sup> day of June, 2015. Works in this regard shall commence within six months of the date of this order and shall be completed to the written satisfaction of the planning authority within two years of the date of the order.

**Reason:** To ensure the satisfactory restoration of the site.

3. There shall be no discharge of quarry water from the site to any roadside drain or adjacent watercourse in the absence of a discharge licence.

**Reason:** In order to protect ground and surface waters.

4. 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 such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory restoration of the site in the interest of visual amenity.

5. The developer shall pay the sum of €5,000 (five 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 upgrading and repair of the local road network. 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 subject development.

---

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

**Dated this                      day of                      2016.**