

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

Planning Register Reference Number: QSP74

An Bord Pleanála Reference Number: 07.SU.0076

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

LOCATION OF QUARRY: Tonroe, Oranmore, 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 Part XA in particular,
- (b) the “Quarries and Ancillary Activities, Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government (2004),
- (c) the policies of the planning authority as set out in the Galway County Development Plan 2015 – 2021,
- (d) the nature and scale of the development,
- (e) planning authority register reference number 13275, under which a quarry was permitted in 1973, the registration of the quarry and imposition of conditions under planning authority register reference number QY74, and the quarry review under QSP74 and 07.QV.0134,
- (f) the pattern of development in the area, including the distances to houses, the storage depot operated from the quarry site registered under QY221 and reviewed under QSP221, and the access to the national road network,
- (g) the remedial environmental impact statement submitted with the application,

- (h) the report and the opinion of the planning authority, and the documentation and submissions on file, and
- (i) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to environmental impact assessment.

The Board was satisfied that the information before it was adequate to undertake an environmental impact assessment in respect of the development.

Environmental Impact Assessment

The Board considered the nature, scale and location of the development, the remedial environmental impact statement, the documentation submitted in support of the application, the planning, registration and quarry review history of the site, the submissions on file, and the report of the Inspector. It is considered that the remedial environmental impact statement identifies and describes adequately the direct and indirect effects on the environment of the development that has taken place. The Board completed an environmental impact assessment in relation to the development, and concluded that the development of the quarry, by itself and in cumulation with other development in the vicinity, including the manufacturing operations within the landholding and the nearby storage depot, did not and would not be likely to have unacceptable effects on the environment. In doing so, the Board adopted the report of the Inspector.

Conclusions on the Proper Planning and Sustainable Development of the Area

The Board is satisfied that, in itself and in conjunction with other development in the vicinity, and subject to compliance with the conditions set out below, the development did not and would not conflict with the provisions of the Galway County Development Plan 2015 – 2021, did not and would not seriously injure the amenities of the area or of residential property in the vicinity, did not and would not result in a risk of pollution, did not affect known archaeological features or architectural heritage, did not and would not have adverse effects on European Sites due to the limited potential for connectivity, and was acceptable in terms of traffic safety and convenience. It is, therefore, considered that the development was and would be 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, 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 within six months of the date of this order, and the development shall be in accordance with the agreed particulars.
- (b) This grant of substitute consent relates only to past quarrying that has been undertaken as described in the documentation supporting the application, and does not authorise any structures or any future development on this site, including excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified in the remedial environmental impact statement and associated documentation shall be implemented in full.

Reason: In the interests of the conservation of the environment and of the amenities of the area.

3. Implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority, in accordance with the measures set out in Section 11.5 of the remedial environmental impact statement, which details shall include the following:
 - (a) detailed drawings of safe finished gradients for the quarry faces,
 - (b) drawings and details of secure fencing for the boundaries of the site,
 - (c) a detailed scheme of landscaping, and measures for the control of invasive species,
 - (d) measures for the control of dust emissions until such time as vegetation is established, and
 - (e) proposals for an aftercare programme of five years.

The restoration shall be completed to the written satisfaction of the planning authority within six months of the date of this order in accordance with the agreed details, unless a grant of permission for the further development of this site is implemented.

Reason: In the interest of protection of the environment, landscape and public safety.

4. Waste material shall be removed from the landholding within six months of the date of this order.

Reason: In the interest of orderly development, of visual amenity, and protection of the environment.

5. Unless a permission for the further development of this site is implemented, the developer shall lodge with the planning authority, within six months of the date of this order, 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 in the interest of visual amenity.

6. 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 in respect of improvements to the L81067 local road. 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 proposed development.

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

Dated this day of 2017.