

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: QSP117

An Bord Pleanála Reference Number: 07.SU.0091

APPLICATION FOR SUBSTITUTE CONSENT by Máirtín Ó Flatharta care of RPS Consulting Engineers of Lyrr Building, IDA Business and Technology Park, Mervue, Galway in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Cloughmore North, Ballynahown, 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 current Galway County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- the submissions made in accordance with Regulations made under section 177N of the Planning and Development Act 2000, as amended,
- the pattern of development in the area,
- the nature and scale of the development the subject of this application for substitute consent, and
- the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question, and also in relation to the cumulative impacts with the adjoining quarry, and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct, cumulative 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, agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, and adopted his analysis and conclusions in this regard. The Board was, therefore, satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this order, the effects of the development that has taken place on the environment has been, and would be, acceptable.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, it is considered that the subject development that has taken place 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 for substitute consent on the 7th day of April 2014, as amended by further plans and particulars submitted on the 30th day of April 2014, except as may otherwise be required in order to comply with the following conditions.
 - (b) This grant of substitute consent relates only to past quarrying that has been undertaken as described in the application, and does not authorise any structures or any future development, including any further quarrying or any further excavation, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

2. All obsolete machinery, tyres, equipment and plant which are no longer used or to be used as part of any future excavation or processing operations on site (as may be permitted under related application An Bord Pleanála reference number 07.QD.0023) shall be removed from the site by a licensed contractor within three months from the date of this order.

Reason: In order to reduce potential contamination of ground water and surface water, and to improve the visual amenities of the area.

3. A detailed plan for the restoration of the subject site shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order, unless the further development of the quarry permitted under An Bord Pleanála reference number 07.QD.0023 has been commenced prior to that date. The plan shall include
 - (a) a scheme of landscaping and tree planting to provide for the re-vegetation of the site where considered suitable by the planning authority;
 - (b) the archaeological monitoring of the use of overburden material from screen bunds and mounds erected around the quarry site; and
 - (c) a timescale for the implementation of the plans and proposals for an aftercare programme for a period of not less than five years, and security provisions within and bounding the quarry site.

Reason: In the interest of visual amenity and in order to enhance ecological value and to ensure public safety.

4. Unless the further development of the quarry permitted under An Bord Pleanála reference 07.QD0023 has been commenced prior to that date, 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 to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of any part of the development. 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.

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

Dated this day of 2017.