

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

Planning Register Reference Number: CKQY0055

An Bord Pleanála Reference Number: 04.SU.0093

APPLICATION FOR SUBSTITUTE CONSENT by Lagan Bitumen Limited (formerly Irish Asphalt Limited) care of Tom Phillips and Associates of 2-3 Roger's Lane, Lower Baggot Street, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Rossmore, Carrigtwohill, County Cork.

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) Council Directive 92/43/EEC on the Conservation and Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA,
- (c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (d) the provisions of the current Cork County Development Plan,
- (e) the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (g) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment,

- (i) the planning history of the site including, inter alia, the grant of permission made by the planning authority in 2002 (under planning register reference number S/02/5476) as confirmed on appeal under An Bord Pleanála appeal reference number PL 04.203762),
- (j) the pattern of development in the area, and
- (k) 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 development carried out, the remedial Natura Impact Statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Great Island Channel Special Area of Conservation (Site Code 001058) and the Cork Harbour Special Protection Area (Site Code 004030). In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects the development has or had on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that, subject to the implementation of the identified mitigation measures and on the basis of the information available, the development, either individually or in combination with other plans or projects, would not adversely affect or would not have adversely affected the integrity of any Natura sites, having regard to the conservation objectives of those sites.

Conclusion

Having regard to the acceptability of the impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the subject development has not seriously affected the visual or other amenities of the area, is acceptable in terms of traffic safety and convenience and is, therefore, 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 8th day of April, 2014, as amended by the further submission submitted on the 29th day of July, 2014, except as may otherwise be required in order to comply with the following conditions.
- (b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development, including excavation, on the subject site.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Natura Impact Statement and other submissions shall be implemented in full.

Reason: To protect the environment and the amenities of the area and in the interest of the proper planning and sustainable development of the area.

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

Dated this day of 2017.