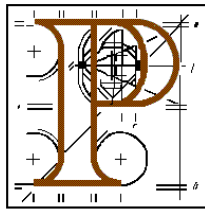


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Offaly County

Planning Register Reference Number: EUQY084

An Bord Pleanála Reference Number: 19.SU.0102

APPLICATION FOR SUBSTITUTE CONSENT by John Brennan care of The Planning Partnership of 2 Auburn Terrace, Sunday's Well Road, Mullingar, County Westmeath 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: Derryvilla, Portarlinton, County Offaly.

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 **REFUSE** substitute consent.

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 2015, and in particular Part XA,
- (c) the “Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment” issued by the Department of the Environment, Community and Local Government in March, 2013,
- (d) the ‘Quarries and Ancillary Activities, Guidelines for Planning Authorities’, issued by the Department of the Environment, Heritage and Local Government, April, 2004,
- (e) the provisions of the current Offaly County Development Plan,
- (f) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (g) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,

- (h) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
 - (i) the planning history of the site,
 - (j) the pattern of development in the area,
 - (k) the nature and scale of the development the subject of this application for substitute consent, and
 - (l) the report of the Board's Inspector, including in relation to potential significant effects on the environment.
1. It is considered that the quarrying development that has been carried out after the 1st day of February, 1990 has resulted in significant adverse effects on archaeological heritage and cultural heritage through the removal and destruction of substantial archaeological remains (ASI/RMP reference numbers OF034-008001 burial ground, OF034-008002 enclosure) that were of national importance. These effects were not adequately mitigated over the course of the development and cannot be remediated through the implementation of remedial measures. The development which has taken place would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the remedial Environmental Impact Statement submitted with the application for substitute consent does not comply with the requirements of Section 177F of the Planning and Development Act, 2000, as amended, in that it does not include ‘a statement of the significant effects’ that have occurred on archaeological and cultural heritage of national importance. Furthermore, the remedial Environmental Impact Statement is inadequate in terms of the assessment of the impacts on hydrology, hydrogeology, soils and geology, and flora and fauna that have occurred, are occurring or that may occur resulting from the development that has been carried out after the 1st day of February, 1990 and the application site boundary does not encompass the full extent of extraction activity that has occurred over the period concerned, and the Board considers that it was not possible, in the absence of this information, for it to be satisfied that the development that has taken place has not had significant and adverse effects on the environment as a result of these impacts.

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

Dated this day of 2016.