

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: QY78/CQ78

An Bord Pleanála Reference Number: 16.SU.0108

APPLICATION FOR SUBSTITUTE CONSENT by Colemans Quarry Limited care of Williams Planning and Environment of Saint Roch, Windmill Hill, Rathcoole, County Dublin 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: Cloonlagheen, Partry, County Mayo.

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 2015, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (c) the provisions of the Mayo County Development Plan, 2014-2020,
- (d) the information contained in the remedial Natura impact statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the submissions made in accordance with regulations under section 177N of the said Act, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area and the absence of concurrent activity in the adjoining quarry to the north of the site,
- (h) the nature and limited scale of the development the subject of this application for substitute consent, and
- (i) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Appropriate Assessment

In respect of Appropriate Assessment screening, the Board agreed with, and adopted, the Inspector's screening report and her conclusion that the Lough Carra/Lough Mask Complex Special Area of Conservation (site code 001774); Lough Carra Special Protection Area (site code 004051) and Lough Mask Special Protection Area (site code 004062) in particular, are the European sites for which there is a likelihood of significant effects.

The Board considered the remedial Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European sites in the vicinity of the site and in particular for Lough Carra/Lough Mask Complex Special Area of Conservation (Site Code 001774); Lough Carra Special Protection Area (Site Code 004051) and Lough Mask Special Protection Area (Site Code 004062), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board accepted, and adopted, the Appropriate Assessment undertaken by the Inspector in respect of the potential effects of the proposed development on European sites in the vicinity of the site, in particular the aforementioned European Sites, having regard to the sites' Conservation Objectives.

The Board concluded that the quarry, by itself, or in combination with other plans or projects, has not and would not adversely affect the integrity of any European sites in the vicinity in view of the sites' conservation objectives 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 plans and particulars submitted to An Bord Pleanála with the application on the 14th July, 2014 and the further information received on the 7th August, 2014 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 and the development shall be in accordance with the agreed particulars.
- (b) The 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 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 within the remedial Natura impact statement associated documentation shall be implemented in full except as may otherwise be required in order to comply with the following conditions attached to this order. A timescale for implementation shall be submitted to, and agreed in writing with, the planning authority within 3 months of the date of this order.

Reason: In the interest of the conservation of the environment, and of the amenities of the area and of property in the vicinity.

3. (1) The quarry shall be allowed to be restored by natural means only.
- (2) All hedgerows and mature trees on site shall be retained.
- (3) All plant and machinery shall be removed from site within a time scale, details of which shall be submitted to, and agreed in writing, with the planning authority within 3 months of the date of this order.

Reason: In the interest of visual amenity, public safety and nature conservation.

4. Within three months of the date of this order, detailed proposals for the eradication of invasive species, as referred to in the remedial Natura impact statement, including the timeframe for implementation shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of nature conservation.

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

Dated this day of 2016.