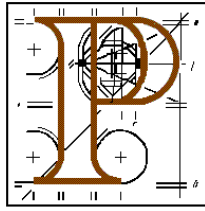


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: QY39

An Bord Pleanála Reference Number: 27.SU.0121

APPLICATION FOR SUBSTITUTE CONSENT by East Coast Transport Limited T/A ECT Sand and Gravel care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow 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: Ballinabarny North and Bolagh Lower, Redcross, County Wicklow.

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 Wicklow 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 pattern of development in the area,
- (j) the planning history of the site, and in particular planning register reference number 08/1153 (An Bord Pleanála appeal reference number PL 27.233638), and An Bord Pleanála quarry review reference number 27.QV.0299,
- (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.

On the basis of the information submitted in support of the application for substitute consent, the Board considered that the Environmental Impact Statement is deficient in its failure to consider cumulative effects and alternatives and to provide sufficient historic and contemporary information in relation to key impacts, and, in particular, the effects on the water resources, hydrology and aquatic environment of the area. The Board is not satisfied that the development which has taken place has not resulted in significant and adverse effects on the environment. The development would, therefore, be contrary to 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 2016.