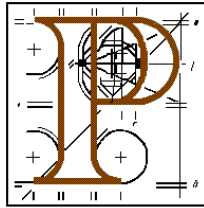


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: QY80/CQ80

An Bord Pleanála Reference Number: 16.SU.0124

APPLICATION FOR SUBSTITUTE CONSENT by Austin Grogan and Sons Limited care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo 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: Kilmannin, Ballyhaunis, 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) 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 in particular,
- (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 European Communities (Quality of Salmonid Waters) Regulations, 1988,
- (e) the "Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2010),
- (f) the provisions of the Mayo County Development Plan 2014 – 2020,
- (g) the planning and quarry review history of the subject site,
- (h) the nature and limited scale of the subject site, which is now restored to pastureland,
- (i) the dates of notification of the designation of the River Moy Special Area of Conservation (Site Code 002298),

- (j) the remedial Natura Impact Statement submitted with the application, and the revised remedial Natura impact statement submitted on the 8th day of September, 2015,
- (k) the reports and the opinion of the planning authority,
- (l) the submissions and documentation on file generally,
- (m) aerial photographs and mapping indicating the historical scale of quarrying at this site, and
- (n) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment in respect of the subject development.

Appropriate Assessment

The Board is satisfied that water management at this quarry formed part of the system serving the larger activities to the north and that the entire area was operated as a closed system with periodic inputs from Annagh Lough. The Lough is not part of the River Moy Special Area of Conservation (Site Code 002298) and is upstream of the designated Special Area of Conservation. Pre-used wash water from the quarrying operations was contained in settlement lagoons. Aerial photography dating from the mid-2000s suggests that sediment may have entered the Annagh Lough complex. It is unclear from these photographs (a) that such is indeed sediment entering the lough or (b) that the source of any sediment was the subject quarry site.

Having regard to the nature, scale and extent of the proposed development, the remedial Natura Impact statements submitted with the application and as further information, the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, did not have and would not adversely affect the integrity of any European Sites, having regard to the conservation objectives of those sites.

In deciding not to accept the Inspector's recommendation to refuse substitute consent, the Board considered, inter alia, the limited scale of the two areas concerned, amounting to some 1.5 hectares, the apparently restricted duration of their active operational life, their now restored condition, the lack of any ongoing discharges from the subject lands to the Special Area of Conservation and the absence of documented incidences of environmental pollution affecting the lands or any reports of same and determined that a refusal of substitute consent in the prevailing circumstances was not warranted.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, and subject to the compliance with the conditions set out below, it is considered that the subject development would not be likely to have had or have a significant effect on the environment and is 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, as amended by the further information submitted on the 8th day of September, 2015, except as may otherwise be required 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 development that has been undertaken as described in the application, and does not authorise any other development, including extraction.

Reason: In the interest of clarity.

2. (a) All environmental mitigation measures identified within the remedial Natura impact statement, revised remedial Natura impact statement and associated documentation submitted with the application and the further information shall be implemented in full, save as may be required to comply with the conditions set out below.
- (b) A compliance plan including a time frame for implementation shall be submitted to, and agreed in writing with, the planning authority within two months from the date of this order.

Reason: In the interest of the protection of the environment.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that was provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the application for substitute consent.

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

Dated this day of 2016.