



An
Bord
Pleanála

Board Order 16.SU.0132

Planning and Development Acts 2000 to 2017

Planning Authority: Mayo County Council

Planning Register Reference Number: QY18/CQ18

Application for Substitute Consent by McGrath's Limestone Works 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, as amended.

Location of Quarry: Cregaree, Cong, County Mayo.

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 2017, and in particular Part XA,
- (b) the provisions of the Planning and Development Regulations, 2001, as amended,
- (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 Mayo County Development Plan 2014 - 2020,
- (e) the remedial Environmental Impact Statement and the remedial Natura impact statement submitted with the application for substitute consent, and supporting documentation,

- (f) the submissions received from the applicant in response to the Section 132 notice from the Board,
- (g) the reports 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 nature of the development the subject of this application for substitute consent, and the planning history of the site,
- (j) the pattern of development in the area, and the proximity of the site to the European Sites, and
- (k) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Remedial Appropriate Assessment (Screening)

The Board adopted the Screening Assessment carried out by the Inspector which concluded that the following European Sites are those for which a Stage 2 remedial appropriate assessment is required, and that significant effects on any other European Sites can be ruled out:

Lough Carra/Mask Complex Special Area of Conservation (Site Code 001774),

Lough Mask Special Protection Area (Site Code 004062),

Lough Corrib Special Area of Conservation (Site Code 000297),

Lough Corrib Special Protection Area (Site Code 004042),

Ballymaglancy Cave Special Area of Conservation (Site Code 000474),

Kildun Souterrain Special Area of Conservation (Site Code 002320),

Remedial Appropriate Assessment (Stage 2)

The Board noted that the development was not directly connected with or necessary to the management of a European Site. Having regard to the nature, scale and extent of the subject development, the remedial Natura impact statement submitted with the application and the mitigation measures contained therein, the applicant's further information submission, the other submissions on file and the Inspector's assessment, the Board completed a remedial Appropriate Assessment of the effects of the development on the aforementioned European Sites. The Board concluded that, subject to the implementation of the identified mitigation measures and on the basis of the information available, the subject development, either individually or in combination with other plans or projects, would not have adversely affected the integrity of the listed European Sites or any other European site, in view of the sites' conservation objectives. In reaching this conclusion, the Board adopted the Inspector's report.

Remedial Environmental Impact Assessment

The Board considered that the remedial Environmental Impact Statement submitted with the application, together with the applicant's further information submissions to An Bord Pleanála, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, were adequate in identifying and describing the direct and indirect effects of the development. The Board completed a remedial environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the development would not have been likely to have had adverse impacts on the environment and subject to the following conditions, the effect of the development on the environment would be acceptable and would be in accordance with 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 for substitute consent and in the further particulars submitted to An Bord Pleanála on the 14th day of February, 2017, 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 any future quarrying or any further excavation, on the subject site.

Reason: In the interest of clarity.

2. All mitigation measures identified within the remedial Environmental Impact Statement and remedial Natura impact statement and associated documentation shall be implemented in full, save as may be required in order to comply with the conditions set out below.

Reason: In the interest of the conservation of the environment and of European Sites.

3. Unless a permission for the further development of this quarry is implemented, implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. The scheme shall be generally in accordance with the approach proposed in section 12 of the remedial Environmental Impact Statement. The following shall apply in relation to the design and timing of the restoration plan:

- (a) The site restoration shall provide for the immediate re-vegetation of the site where suitable and/or the provision of features to control sediments which could result in surface water pollution.
- (b) The scheme shall incorporate tree planting to screen the quarry from key vantage points along the local road network.
- (c) Details of site safety measures shall be provided.
- (d) A timescale for implementation and proposals for an aftercare programme of five years shall be agreed in writing with the planning authority.

Reason: In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects water quality.

4. Unless a permission for the further development of this quarry is implemented within six months of the date of this Order, within six months of the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security acceptable to the planning authority to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of any part of the site. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

5. 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 is 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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 substitute consent.

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

Dated this day of 2017