



An
Bord
Pleanála

Board Order
ABP-306155-19

Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Application for Leave To Apply For Substitute Consent by McTigue Quarries care of Quarryplan Limited, Chartered Quarrying Consultants of 10 Saintfield Road, Crossgar, Downpatrick, County Down.

Development: Quarry at McTigue Quarries, Cartron Quarry, County Galway.

Decision

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below

Matters Considered

In making its decision, the Board had regard to the matters to which, in 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

Having regard to Section 177D of the Planning and Development Act, 2000, as amended, the Board is satisfied that an environmental impact assessment and an appropriate assessment is required, in the light of the scale and nature of the quarrying and processing activities that have been carried out.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard the Board

- (a) considered that the regularisation of the development would not be likely to circumvent the purpose and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- (b) considered that the applicant could reasonably have had a belief that the development that took place was not unauthorised, having regard to the planning and legal history relating to the site and the application,
- (c) considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment and to carry out an appropriate assessment, and for the public to participate in such assessments, has been substantially impaired,

- (d) considered the nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out of the development,
- (e) considered that the actual or likely significant effects on the environment, and likely significant effects on a European site resulting from the development could be remediated,

Taking all of the above into consideration, it is considered that exceptional circumstances exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *9th* day of *July* 2020

