



Board Direction

Ref: 07.SU0036

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13th November 2014.

The Board decided to grant substitute consent, generally in accordance with the inspector's recommendation, in accordance with the following reasons, considerations and conditions. The Board also determined the costs payable in this case, as set out below.

REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- (b) the Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the current Galway County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent,
- (e) the remedial Natura Impact Statement submitted with the application for substitute consent,
- (f) the report and the opinion of the planning authority under section 177I of the Planning and Development Act, 2000, as amended,
- (g) the submissions made in accordance with Regulations made under section 177N of the 2000 Act, as amended,
- (h) the report of the Board's Inspector,
- (i) the planning history of the site,
- (j) the pattern of development in the area, and
- (k) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

Having regard to the nature, scale and extent of the development for which substitute consent is sought, the remedial Natura impact statement submitted with the application, the submissions on file and the inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on Natura 2000 sites. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects, has not adversely affected and is not adversely affecting the integrity of any European site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects. The Board adopted the report of the Inspector and decided that the subject development would not be likely to have had/or have a significant effect on the environment.

Planning Considerations

Having regard to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the subject development is not contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 7th day of May 2013. The grant of substitute consent relates solely to quarrying development undertaken as described in the application, and does not authorise any future development including excavation on this site.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement and the remedial Natura Impact Statement shall be implemented in full, save as may be required in order to comply with other conditions attaching to this order.

Reason: To protect the environment and the amenities of the area and to ensure the proper planning and sustainable development of the area.

3. A comprehensive plan for the restoration of the quarry, including timelines, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order. This plan shall include the following:-

- (a) details relating to the finished gradients of the quarry faces, and re-vegetation of quarry faces,
- (b) re-shaping and re-contouring of boundary bunds,
- (c) a scheme of landscaping and tree planting,
- (d) removal of all buildings on site,
- (e) proposals for an aftercare programme of five years.

Reason: In the interest of the visual amenities of the area and to ensure public safety and environmental protection.

4. 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 to secure the satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of the restoration 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.

5. Within three months of the date of this order, the oil storage tank, and any remaining stored tyres, shall be permanently removed from the site.

Reason: To protect the environment and the amenities of the area.

6. The developer shall pay to the planning authority a financial contribution of €25,000, in respect of improvement works to the local

public road network in the area that has benefited the quarrying development that has taken place. The contribution shall be paid within six months of the date of this order or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which have been incurred by the planning authority which are not covered in the Development Contribution Scheme and which have benefited the development.

Costs

The Board determined the provisional costs required to be paid under section 177M as follows:

To be paid to An Bord Pleanála as a contribution towards the costs of consideration of the application	€9,022
To be paid to the Planning Authority as a contribution towards the costs of consideration of the application	€1,125

Note. The Board noted the points raised by the parties regarding the “pre 1963” status of this quarry. Having undertaken an appropriate enquiry, and on the basis of the documentation provided by the planning authority on this file and on history files, including the S.261 Registration file (QY71), the Board was not satisfied that the subject quarry had commenced prior to 1964 or was covered by a “pre 1964 authorisation”. However, it noted the determination made by the planning authority under Section 261A of the Act in this respect and noted that no review of this determination had been made. The Board accordingly considered that it was not open to it to adjudicate on the matter within the context of an application for substitute consent that was required to be made by this determination.

Please issue a copy of this Direction with the Order.

Board Member: _____
Philip Jones

Date: 22nd December 2014