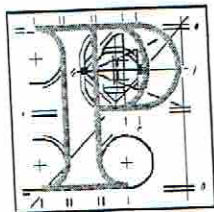


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Galway County**

**Planning Register Reference Number: QSP71**

An Bord Pleanála Reference Number: 07.SU.0036

**APPLICATION FOR SUBSTITUTE CONSENT** by McTigue Quarries Limited care of Gabriel Dolan Associates of Main Street, Craughwell, County Galway 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:** Cartron, Belclare, Tuam, County Galway.

## **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.

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## 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

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 Quarries 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 7<sup>th</sup> 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, and
- (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 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.

5. 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.

6. The developer shall pay to the planning authority a financial contribution of €25,000 (twenty-five thousand euro) in respect of improvement works to the local public road network in the area that has benefited the quarrying development that has taken place in accordance with section 48 of the Planning and Development Act, 2000, as amended. 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 made under section 48 of the Act and which have benefited the development.


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

Dated this 5<sup>th</sup> day of January 2015.