

*Application to An Bord Pleanála for substitute consent*

**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT**

**BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

**ADDITIONAL INFORMATION**

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

**OTHER STATUTORY CODES**

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

## DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

## APPLICATION FORM

<b>1. NAME OF RELEVANT PLANNING AUTHORITY:</b>	
An Bord Pleanála – the site is in the functional area of Galway County Council	
<b>2. LOCATION OF DEVELOPMENT:</b>	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	In the townland of Ballysheedy, Gort, Co. Galway.
<i>Ordnance Survey Map Ref No (and the Grid Reference where available)</i> <sup>1</sup>	OSI Map 3889- D 1:2500 E 542908 N 700180 ITM
<b>3. APPLICANT<sup>2</sup>:</b>	
<i>Name(s)</i>	John Madden & Sons Limited.
	Address to be supplied at the end of this form (Question 19)
<b>4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):</b>	
<i>Name(s) of company director(s)</i>	Gerard Madden, Michael Madden, Angela Madden, Sheila Madden, Kevin Madden.
<i>Registered Address (of company)</i>	Kilmaine Road, Ballinrobe, Co. Mayo
<i>Company Registration number</i>	51835

<b>5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):</b>	
<i>Name</i>	Declan Meehan/ Tobin Consulting Engineers (Agent)
	Address to be supplied at the end of this form (Question 20)

<b>6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS<sup>3</sup>:</b>	
<i>Name</i>	Jaroslav Kruk Senior Technician
<i>Firm/Company</i>	Tobins Consulting Engineers

<b>7. DESCRIPTION OF DEVELOPMENT:</b>	
<i>Brief description of nature and extent of development<sup>4</sup></i>	The previous development consisted of quarry related activities including aggregate extraction and processing by mechanical means and associated security fencing.

<b>8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:</b>		
<b>Please tick appropriate box</b>	<i>A. Owner</i> ✓ <i>(purchased 2014)</i>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	N/A	

<b>9. SITE AREA:</b>	
<i>Area of site to which the application relates in hectares</i>	8.782ha.

<b>10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:</b>	
<i>Gross floor space<sup>5</sup> of existing building(s) in square metres</i>	N/A
<i>Gross floor space of any demolition in square metres (if appropriate)</i>	N/A

<b>11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:</b>	
<i>Class of Development</i>	<i>Gross floor area in square metres</i>
N/A	N/A

<b>12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX: n/a</b>							
<i>Number of</i>	Studio	1 Bed	2Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>	N/A						Total N/A:

<b>13. DEVELOPMENT DETAILS:</b>		
<i>Please tick appropriate box</i>	<b>Yes</b>	<b>No</b>
Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		✓
Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994?	✓	
Does the application relate to work within or close to a European Site or a Natural Heritage Area?	✓	
Does the development require the preparation of a remedial Environmental Impact Assessment Report?	✓	
Does the development require the preparation of a remedial Natura impact statement?	✓	
Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?		✓

Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		✓
Do the Major Accident Regulations apply to the development?		✓
Does the application relate to a development in a Strategic Development Zone?		✓

Does the development involve the demolition of any structure?		✓
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<b>14. SITE HISTORY:</b>
<b><i>Details regarding site history (if known)</i></b>
<p>Has the site in question ever, to your knowledge, been flooded? Yes [ ] No ✓</p> <p>If yes, please give details e.g. year, extent.</p> <p>Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [✓] No [ ] [If yes, please give details.. this site is a former quarry. Please see section 4.6 of attached planning report</p>
<b><i>Are you aware of any valid planning applications previously made in respect of thisland/structure?</i></b>
<p>Yes ✓ No [ ]</p> <p>If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:</p> <p>Reference No.: . Pl. Ref. No. 70238                      Date: 26/09/1994.....</p> <p>Reference No.: . Pl. Ref. No. 09/415                      Date: 19/10/2009</p> <p>Reference No.: . Pl Ref 15/724.                              Date: ..1/08/2015</p> <p>Section 261 Quarry Registration QY 46 .....Date: ..1/12/2006</p> <p>Section 261A Review QR/046:                              Date ...16/07/2012</p>

<b>15. SERVICES:</b>	
<b>Source of Water Supply</b>	
Public Mains <input type="checkbox"/> Group Water Scheme <input type="checkbox"/> Private Well	<b>N/A</b>
Other (Please Specify)	<b>N/A</b>
Name of Group Water Scheme (where applicable): .....	
<b>N/A</b> .....	
<b>Wastewater Management/Treatment</b>	
Public Sewer <input type="checkbox"/> Conventional septic tank system <input type="checkbox"/>	<b>N/A</b>
Other on-site treatment system <input type="checkbox"/> Please specify.....	<b>N/A</b>
<b>Surface Water Disposal</b>	
Public Sewer/Drain <input type="checkbox"/> Soakpit <input type="checkbox"/>	
Watercourse <input type="checkbox"/> Other <input checked="" type="checkbox"/> Please specify.....	<b>N/A</b>

<b>16. DETAILS OF PUBLIC NOTICE:</b> see Attachments 1 & 2	
<b>Approved newspaper<sup>7</sup> in which notice was published</b>	Connacht Tribune,
<b>Date of publication</b>	Connacht Tribune – June 17 <sup>th</sup> 2022
<b>Date on which site notice was erected</b>	June 24 <sup>th</sup> 2022

<b>17. APPLICATION FEE:</b>	
Fee Payable	€13,173

Basis of Calculation	<p>€150 per 0.1 ha. = €1500 per ha.</p> <p>8.782 hectares that equates to €13,173</p> <p>Class 6 a</p>
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<b>18. DECLARATION:</b>	
<i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning &amp; Development Act 2000, as amended, and the Regulations made thereunder.</i>	
Signed  (Applicant or Agent as appropriate)	Declan. Meehan. Tobin Consulting Engineers. (Agent for John Maddens & Sons Limited.)
Date	23 <sup>rd</sup> June 2022



**CONTACT DETAILS — NOT TO BE PUBLISHED**

<b>19. APPLICANT ADDRESS/CONTACT DETAILS:</b>	
<i>Address:</i>	Kilmaine Road, Ballinrobe, Co. Mayo
<i>Email address:</i>	<a href="mailto:gmadden@jmaddens.ie">gmadden@jmaddens.ie</a> ;
<i>Telephone number (optional)</i>	094-9451166

<b>20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	Fairgreen House, Fairgreen Road, Galway. H91 AXK8
<i>Email address</i>	<a href="mailto:declan.meehan@tobin.ie">declan.meehan@tobin.ie</a>
<i>Telephone number (optional)</i>	091565211
Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
[ ] Yes <input checked="" type="checkbox"/> No [ ]	

**A contact address must be given, whether that of the applicant or that of the agent.**

***This form should be accompanied by the following documentation:***

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**ALL Applications:**

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- ✓ 6 copies of site location map<sup>8</sup>
- ✓ 6 copies of site or layout plan as appropriate<sup>8</sup>
- ✓ 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate<sup>8</sup>
- ✓
- The appropriate Fee
- ✓

**Where the disposal of wastewater for the development is other than to a public sewer:**

- ✓
- Information on the on-site treatment system and evidence as to the suitability of the site for the system.

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

**Where an application requires an Environmental Impact Report or a Natura Impact Statement:**

- ✓ An Environmental Impact Assessment Report, and
- A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2)
- ✓ of the permission regulations
- ✓ A Natura Impact Statement

### **Directions for completing this form**

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1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.

## **Application Form Attachment 1:**

**Public Notices – Connacht Tribune Friday 17<sup>th</sup> June 2022**





## **Application Form Attachment 2:**

**Public Notices – Copy of Site Notice, erected Friday 24<sup>th</sup> June 2022**





## SITE NOTICE

### **APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT**

We, John Madden & Sons Limited, intend to apply for substitute consent for previous development at this site within the townland of Ballysheedy, Gort, Co. Galway, to regularise the planning status of the rewilding area of the former quarry lands.

The previous development consisted of quarry related activities including aggregate extraction and processing by mechanical means and associated security fencing. The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) and remedial Natura impact statement (rNIS).

Submissions or observations may be made on the application and rEIAR/rNIS, to An Bord Pleanála, Marlborough Street, Dublin 1, without charge. Submissions or observations must be in writing and made within the period of 5 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it. The application for substitute consent and accompanying Remedial NIS and Remedial EIAR may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, or the relevant planning authority during its public opening hours.

**Signed:** *Declan Meehan*      *TOBIN Consulting Engineers*  
*Fairgreen House,*  
*Fairgreen Road,*  
*Galway.*  
*H91AXK8*

*Declan Meehan (Agent)*

**Dated: 24<sup>th</sup> June 2022**