



An  
Bord  
Pleanála

**Board Direction**  
**BD-007482-21**  
**ABP-307791-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the relevant provisions of the Galway County Council Development Plan 2015-2022, the planning history of the site and the existing pattern of development at this location, the design, scale and layout of the proposed development, and the submissions and observations on file, it is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not seriously injure the visual or environmental amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable land use within the existing quarry complex. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Appropriate Assessment:**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site Code: 000297), Lough SPA (Site Code: 004042) and Shrule Turlough SAC (Site Code: 000525) are European for which there is a possibility of significant effects and which must, therefore, be subject to Appropriate Assessment.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board carried out and completed an appropriate assessment of the implications of the proposed development for European Sites, Lough Corrib SAC (Site Code: 000297), Lough SPA (Site Code: 004042) and Shrule Turlough SAC (Site Code: 000525, in view of the sites' conservation objectives.

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the site specific conservation objectives for the European Sites,
- iv) the submissions from all parties.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The mitigation measures contained in the Natura Impact Statement which was submitted with the application, shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

3. Permission for the development shall expire on the same date as the permission granted under An Bord Pleanála appeal reference number PL 07.222783 (planning register reference number 06/2275), unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

**Reason:** In the interest of orderly development.

4. The proposed development shall operate in compliance with the conditions set out in the permission granted under An Bord Pleanála appeal reference number PL 07.222783 (planning register reference number 06/2275).

**Reason:** In the interest of orderly development.

5. Details of a landscaping scheme including boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of landscape and visual amenity.

6. The management and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS) Plan. This shall include the following:

- (a) Proposals for the suppression of on-site noise.

- (b) Proposals for the ongoing monitoring of sound emissions at the site boundaries at locations to be agreed with the planning authority.

- (c) Proposals for the suppression of dust on site and on the access road.

- (d) Proposals for the ongoing monitoring of vibration at an agreed location with the planning authority.

- (e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

- (g) Monitoring of ground and surface water quality, levels and discharges.

- (h) Details of the site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility.

**Reason:** In the interest of orderly development and to safeguard local amenities.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and the amenities of the area.

9. 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 or intended to be 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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 permission.

**Board Member**

**Date:** 04/02/2021

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Chris McGarry