

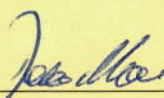
An
Coimisiún
Pleanála

Direction
CD-021144-25
ABP-322624-25

The submissions on this file and the Inspector's report were considered at a meeting held on 03/11/2025.

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

Planning Commissioner:


Declan Moore

Date: 05/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to:

- (a) the National planning and related policy, including:
 - (i) Project Ireland 2040 - National Planning Framework which provides that aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation,
 - (ii) the Climate Action Plan 2024 and Climate Action Plan 2025,

- (iii) the Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (iv) the Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), Environmental Protection Agency 2006,

(b) the Local planning policy, including:

- (i) the provisions of the Galway County Development Plan 2022- 2028,
- (ii) the pattern of development in the area,
- (iii) the location and nature of the site,
- (iv) the Environmental Impact Assessment Report, and all other information received in connection with the application and the appeal,
- (v) the Reasoned Conclusion on the significant effects of the proposed development,
- (vi) the submissions on the file, including the contents of the appeal and the response to the appeal, and
- (vii) the nature and scale of the development proposed, including the phased extraction, and restoration of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Development Plan policies, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would not be likely to have a significant detrimental effect on ecology or protected species, or significant effects on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (Screening)

In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this Appropriate Assessment screening, it is considered that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Galway Bay Complex Special Area of Conservation (Site Code: 000268), the Inner Galway Bay Special Protection Area (Site Code: 004031) or the Cregganna Marsh Special Protection Area (Site Code: 004142) or any other European site, in view of the conservation objectives of those site and an Appropriate Assessment (and submission of a Natura Impact Statment) is not, therefore, required.

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 interest of clarity.

2. (a) This grant of planning permission relates only to the area outlined on the drawings submitted on the 4th day of March 2025. All extraction and loading operations on site shall cease 20 years from the date of the grant of permission. All plant and machinery shall be removed from site soon thereafter.
- (b) Restoration of the site shall be completed within 22 years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use.

- (c) The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph of the progression of the phased development of the quarry and of the quarry perimeter, surveyed against established perimeter beacons, the form and location of which shall be agreed in writing with the planning authority prior to commencement of quarrying works.

Reason: In the interest of orderly development and to ensure the appropriate restoration of the site.

3. (a) The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.
- (b) A single schedule of Monitoring and Mitigation Measures shall be compiled and submitted to the planning authority within one month of a grant of permission.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. (a) The total volume of extracted material from the site shall not exceed 400,000 tonnes per annum.
- (b) Extraction depth shall not exceed -5 metres OD.
- (c) There shall be no dewatering of groundwater at the site.

Reason: In the interest of clarity.

5. (a) Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.
- (b) Upon completion of restoration, the applicant shall submit to the planning authority for written agreement a digital topographical survey of the final restored contours.
- (c) This grant of permission does not authorise the importation of materials for the restoration of the site.

Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity, and in the interest of clarity.

6. (a) The total number of Heavy Goods Vehicle (HVG) traffic movements serving the site each day shall not exceed 137 number (two-way movements).
- (b) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movement shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority.
- (c) All HGVs departing the quarry shall do so via a wheel-wash.
- (d) All loads of dry fine materials shall be sprayed with water or covered prior to exiting the quarry.

- (e) During dry weather conditions, all roads within the site shall be sprayed with water at least three times a day.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site and in the interest of traffic safety.

7. Settlement ponds shall be cleaned out at monthly intervals. Details of the proposed use, handling, and destination of the removed silt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of surface water drainage, to reduce the risk of water pollution, and to ensure the efficient operation of the settlement ponds.

8. (a) During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed -
- (i) An LArT value of 55 dB(A) during 0700 to 1800 hours. The T-value shall be one hour.
- (ii) An LAeqT value of 45 dB(A) at any other time. The T-value shall be 15 minutes.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity.

9. (a) Blasting operations shall occur a maximum of 21 times per annum.
- (b) Blasting shall not occur more than once per week.
- (c) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.
- (d) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin) max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).
- (e) A monitoring programme, carried out at the developer's expense, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.
- (f) Prior to the firing of any blast, the developer shall give notice of same to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interests of public safety and residential amenity.

10. The total dust emissions arising from on-site operations shall not exceed 35 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge) when measured as deposition of insoluble and insoluble particulate matter at any position on the boundary of the quarry.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

11. (a) The developer shall monitor and record groundwater, surface water flow, noise, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority on a monthly basis for groundwater, surface water flow, noise and dust deposition.
- (b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the planning authority. This report shall contain:
- (i) A written record derived from the on-site traffic counts of the quantity of material leaving the site. This quantity shall be specified in vehicle movements and tonnage.
- (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated (and restored where applicable). On the basis of this, a full materials balance shall be provided to the planning authority.

- (iii) A record of groundwater levels measured at monthly intervals.
 - (iv) A written record of all complaints, including actions taken in response to each complaint.
- (c) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- (d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

12. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority, prior to commencement of development. This shall include proposals for the following:
- (a) proposals for the suppression of on-site noise,
 - (b) proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity,
 - (c) proposals for the suppression and monitoring of dust at prior agreed locations and on the access road,

- (d) all fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the planning authority,
- (e) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing,
- (f) management of all landscaping, with particular reference to enhancing the ecological value of the woodland/grassland in buffer areas,
- (g) monitoring of ground and surface water quality, levels and discharges, and
- (h) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

13. Scrap metal and other waste material shall be removed to an appropriately licensed facility at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include scrapped vehicles, worn out conveyor belts/chains, batteries, tyres and worn out conveyor/roller shafts.

Reason: To protect the amenities of the area.

14. On-site operations (other than blasting) hereby permitted shall be carried out between the hours of 0800 and 1800, Monday to Friday inclusive, and 0800 and 1600, Saturday. No activity shall take place outside these hours or on Sundays or public holidays. Truck loading activities may take place between 0700 and 0800 Monday to Saturday inclusive. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the amenities of properties in the vicinity of the site.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

16. 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 prior to commencement of development 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 Coimisiún 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

17. The developer shall pay the sum of €30,000 (thirty thousand euro), 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, to the Planning Authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act, 2000, as amended, in respect of road improvement works at the junction of the L7109 and R-339, and on the L-7109 road and entrance to the quarry. The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine.

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