



Board Direction

Ref: 07.QD0021

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 27th, 2017.

This case was determined in conjunction with the application for substitute consent under 07.SU0055, at the same Board meeting.

Generally in accordance with the recommendation of the Inspector, the Board decided to grant permission in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming its decision the Board had regard, inter alia, to the following-

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, as amended, and in particular Section 37L,
- (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 Galway County Development Plan 2015-2021,
- (d) the report and the opinion of the planning authority under section 37L(12)(a),
- (e) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (f) the planning history of the site,
- (g) the pattern of development in the area,
- (h) the details contained in the application for substitute consent and S.132 response to An Bord Pleanála on the site ref. SU0055,
- (i) the nature and scale of the development the subject of this application, and

- (j) the Inspector's report and recommendation.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the Inspector's screening assessment in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Nos. 000297, 004024, 000268, or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the 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 and that the subject development would not be likely to have an unacceptable effect on the environment.

Proper Planning and Sustainable Development

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 (including restrictions on the duration and depth of excavation), the subject development would be acceptable in terms of the emerging route corridor for the N6 Galway City Ring Road, would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual or residential amenities of the area, would be in accordance with the provisions of the current County Development Plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. Standard plan particulars - plans and particulars lodged with the application submitted to An Bord Pleanála on the 22nd day of January 2016.

Reason: In the interest of clarity.

2. Mitigation & monitoring measures outlined in the Environmental Impact Statement and the Appropriate Assessment Screening Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. This grant of planning permission for further extraction of rock relates only to the 27.7ha area outlined in red on Drg. No. PL04 submitted with the application on the 22nd day of January 2016 and shall be limited to a period of 15 years from the date of the order.

Reason: In the interest of clarity and to enable a review of the appropriateness of the continued operation of the quarry in light of the circumstances prevailing at the time.

4. The quarry extraction shall be limited to bench 1 only, i.e., a level not exceeding minus 4 metres O.D., as indicated on Cross Section Details, Figure 2.3, as submitted to An Bord Pleanála on January 22nd, 2016.

Reason: Having regard to the large scale and depth of excavation proposed and to the ground water conditions on site it is considered that a limited depth should be allowed to enable a review of the appropriateness of continued operation of the quarry in light of the circumstances prevailing at the time.

5. 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 the following:
 - (a) Proposals for the suppression of on-site noise and vibration.
 - (b) Proposals for the on-going monitoring of noise and vibration emissions at properties in the vicinity.
 - (c) Proposals for the suppression of dust on site.
 - (d) Proposals for the bunding of any fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
 - (f) Monitoring of ground and surface water quality, levels and discharges.
 - (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. Within three months of the date of this Order, a traffic management plan shall be submitted to the Planning Authority for written agreement. The Plan shall detail the level of traffic likely to be generated by the proposed development and proposals relating to the control and management of quarry traffic access to the site. The plan shall include details of road signage. The plan shall not provide for any intensification of use of the existing direct access to the N17 within the 100kph zone.

Reason: In the interest of Traffic Safety.

7. 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-
 - (a) an L_{AFT} value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.
 - (b) an L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes.

Reason: In order to protect the residential amenities of property in the vicinity.

8.
 - (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
 - (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, 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 include an annual review of all dust monitoring data, to 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.

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

9. (a) 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. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. 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).

(b) A monitoring programme, 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.

Reason: To protect the amenity of property in the vicinity.

10. 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 within three months of the date of this grant of permission. The restoration plan shall provide for the installation and maintenance of a viewing platform and information panel on the geodiversity and biodiversity features of the quarry.

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

11. Within three months from 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 provision and

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 any part of the development. 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.

12. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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: May 18th, 2017

Nicholas Mulcahy