



An
Bord
Pleanála

**Board Order
PL 07.247994**

Planning and Development Acts 2000 to 2017

Planning Authority: Galway County Council

Planning Register Reference Number: 16/335

Appeal by Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 18th day of January, 2017 by Galway County Council to refuse permission to the said Roadstone Limited.

Proposed Development: Establishment and operation of a waste recovery facility which provides for the importation and re-use of naturally occurring inert soil and stone to backfill and remediate a former quarry void on a 3.1-hectare site, provision for temporary infrastructure including a site office, weighbridge, wheelwash, concrete slab for refuelling and a waste inspection/quarantine shed, all at Cregboy, Claregalway, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the nature and scale of the proposed development to restore a former quarry, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenity of the area, and would be satisfactory in terms of protection of the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's reasons and considerations for recommending refusal, the Board agreed that the protection of groundwater can be adequately provided for by condition, and was satisfied that the need for the proposed development has been established. In respect of traffic, the Board was satisfied that the proposed development involves the use of an existing and established entrance to complete the restoration of the former quarry in a finite period of time. Subject to controls on operating hours, the Board considered that the entrance arrangements were satisfactory for the proposed use.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of December 2016, and by the further plans and particulars received by An Bord Pleanála on the 14th day of February 2017, 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. The period during which the development hereby permitted may be operated shall be four years from the commencement of operations.

Reason: Having regard to the nature of the development, and in order to expedite the restoration of the former quarry, the Board considers it appropriate to restrict the period of operations under this permission to four years.

3. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 24,500 tonnes per annum, and 95,000 tonnes in total over the period referred to in Condition Number 2 of this permission.

Reason: In the interest of clarity.

4. The site, and all activities occurring therein, shall not operate outside the period of 0900 to 1700 hours Monday to Saturday inclusive from April to September, and 1000 to 1600 hours Monday to Saturday inclusive from October to March, and shall not operate on Sundays or public holidays.

Reason: In the interest of clarity, and to ensure that all traffic movements associated with the site are restricted to daylight hours.

5. Details of road signage including advance warning notices and proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

6. Prior to commencement of operations, a minimum of three groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority, and the baseline water quality in these wells shall be established. Thereafter, water quality in each of these wells will be recorded quarterly. A log of the results shall be submitted to the planning authority on an annual basis.

Reason: To protect and monitor groundwater in the vicinity of the site.

7. Measures to ensure the secure fencing of the existing quarry void and appropriate boundary treatment of the site shall be submitted to, and agreed in writing with, the planning authority and implemented, prior to commencement of operations.

Reason: In the interest of safety and visual amenity.

8. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels as submitted, 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.

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

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 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 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.

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

Dated this day of 2017