



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 17/1438

Appeal by Brendan Dowling of Cashla, Athenry, County Galway and by John Madden and Sons Limited care of Tobin Consulting Engineers of Fairgreen House, Fairgreen Road, Galway against the decision made on the 23rd day of May, 2018 by Galway County Council in relation to the application by John Madden and Sons Limited for permission for proposed development comprising development of an asphalt plant and associated works to include the use of an existing weighbridge, wheelwash, toilet (4.14 square metres), the renovation of an existing staff office (65.76 square metres), the construction of a material storage and maintenance building (1,120 square metres) and the erection and operation of the asphalt plant on the former quarry processing/dispatch yard area (2.86 hectares) and the completion of restoration of the previously quarried area (19.26 hectares). Existing access will continue from the N18 via L-85664 local road). Gross floor space of proposed works 1,189.90 square metres, all in the townland of Tonroe, Ardrahan, County Galway in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the completion of restoration of the previously quarried area (19.26 hectares) and to refuse permission for development of an asphalt plant and associated works to include the use of an existing weighbridge, wheelwash, toilet (4.14 square metres), the renovation of an

existing staff office (65.76 square metres), the construction of a material storage and maintenance building (1,120 square metres) and the erection and operation of the asphalt plant on the former quarry processing/dispatch yard area (2.86 hectares)).

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

It is considered that the proposed quarry restoration and the proposed asphalt plant, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the integrity of European sites in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stage 1 Screening for Appropriate Assessment

The Board completed a Stage 1 Screening for Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the Stage 1 Screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion contained in the Inspectors report 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. The Board agreed with the screening assessment and conclusion contained in the Inspectors report that the Castletaylor Complex Special Area of Conservation (Site Code:000242), the Kiltiernan Turlough Special Area of Conservation (Site Code:001285) and the Lough Fingall Complex Special Area of Conservation (Site Code:000606) are the European sites for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board considered the Natura Impact Statement (NIS) and all other relevant submissions and carried out an Appropriate Assessment (AA) of the implications of the proposed development for European Sites in view of the conservation objectives of Castletaylor Complex Special Area of Conservation (Site Code:000242), the Kiltiernan Turlough Special Area of Conservation (Site Code:001285), the Lough Fingall Complex Special Area of Conservation (Site Code:000606) and also the Ardrahan Grassland Special Area of Conservation (Site Code:002244). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular,

- (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, particularly in respect to surface and ground water, which are included as part of the current proposal,
- (iii) the conservation objectives of the European Sites, and
- (iv) the view of the Department of Culture, Heritage and the Gaeltacht.

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Castletaylor Complex Special Area of Conservation (Site Code:000242), the Kiltiernan Turlough Special Area of Conservation (Site Code:001285), the Lough Fingall Complex Special Area of Conservation (Site Code:000606) and the Ardrahan Grassland Special Area of Conservation (Site Code:002244) or any other site in view of the sites' Conservation Objectives.

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 plans and particulars received by the planning authority on the 26th day of April, 2018, 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 development shall operate only between 0700 hours and 1900 hours Monday to Friday and 0800 to 1400 hours on Saturday. No work shall take place on Sundays or public holidays.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard detailed proposals for the protection of ground and surface water from contamination by run-off from the site shall be submitted to and agreed in writing with the planning authority and the agreed measures shall be implemented by the developer.

Reason: In the interest of public health and to ensure a proper standard of development.

4. All vehicles, other than private cars and vans, leaving the site shall pass through the wheelwash facility.

Reason: In the interest of orderly development.

5. Prior to commencement of development, details of any proposed effluent treatment system shall be submitted to and agreed in writing with the planning authority. The system shall be designed, installed, commissioned and operated in accordance with the requirements of the planning authority. Evidence of the necessary maintenance contract shall be submitted to the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

6. During the operational phase of the proposed development, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an L_{ArT} value of 55 dB(A) during the period 0700 to 1900 hours from Monday to Friday (inclusive), and 0800 to 1400 hours on Saturdays.
 - (b) an L_{AeqT} value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise. The measurement time intervals to be used are one hour by day and 15 minutes by night.

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

7. Within two months of the date of this order, the developer shall submit to the planning authority for written agreement, proposals for the quarterly monitoring of noise levels at nearby sensitive receptors. The results shall be submitted to the planning authority within one month of the end of the quarter being reported on. On the basis of results

submitted over time, the planning authority may review the frequency of monitoring.

Reason: In the interest of public health.

8. When measured at the site boundaries, dust levels shall not exceed 350 milligrammes per square metre per day (30-day composite sample) as measured using the Bergerhoff Method, or 130 milligrammes per square metre per day as measured on a “Frisbee” type dust gauge. Prior to commencement of development, the developer shall submit to the planning authority proposals for written agreement in relation to the location of dust gauges and indicating which method of monitoring is to be used – Bergerhoff or Frisbee. Dust monitoring shall be carried out three times per year (twice during the period May to September), or as otherwise agreed in writing with the planning authority. The results shall be submitted to the planning authority within one month of the end of the period being reported on. On the basis of results submitted over time, the planning authority may review the frequency of monitoring.

Reason: In the interest of public health.

9. All oil and fuel storage tanks shall be stored in designated storage areas, which shall be bunded to a volume of 110 per cent of the capacity of the largest tank/container within the bunded areas. Filling and draw-off points shall be located entirely within the bunded areas. Drainage from the bunded areas shall be diverted for collection and safe disposal.

Reason: In the interest of public health.

10. Prior to commencement of development, a landscaping scheme shall be submitted to and agreed in writing with the planning authority. This scheme shall include proposals for dense planting of trees along the

site perimeter, as well as details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

11. The proposed completion and restoration of the quarried area shall be undertaken and completed (save for any ongoing maintenance requirements) within two years of the final grant of planning permission unless a further grant of planning permission is obtained from the planning authority or An Bord Pleanála.

Reason: In the interest of clarity and orderly development.

12. (a) All restoration works and proposed removal of stockpiles of stone on site shall take place outside the bird breeding season (1st March to 31st August) and precautionary monitoring for breeding birds shall be carried out prior to the commencement of the restoration works, as set out in the document entitled 'Proposed Restoration Plan for Previous Quarried Area' received by the planning authority on 29th day of September, 2017.
- (b) Bat boxes shall be placed on site as per the details set out in the document entitled 'Proposed Restoration Plan for Previously Approved Quarry Area' received by the planning authority on the 29th day of September, 2017.
- (c) All monitoring proposals set out in Section 6 of the documented entitled 'Proposed Restoration Plan for Previously Approved Quarry Area' received by the planning authority on 29th day of

September, 2017 shall be carried out as set out in the plan and details and results shall be made available to the planning authority upon request.

- (d) No development works shall take place below the water table without prior written agreement from the planning authority.

Reason: In the interest of ecology.

- 13. A schedule of works for the removal/reuse of stockpiles of aggregate on site shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the proper planning and sustainable development of the area.

- 14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention,

minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. 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.

Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.