



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/419

Appeal by Therese Shryane of Caherhugh, Tuam, County Galway against the decision made on the 9th day of July, 2020 by Galway County Council to grant subject to conditions a permission to Mortimer Quarries Limited care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a concrete batching plant on and adjacent to a quarry site previously approved under planning reference 06/2275 and An Bord Pleanála reference PL 07.222783. The proposed development is ancillary to the main quarry and it will include the following: washdown/surface water collection system and washwater recovery tanks, concrete block making and storage facility and all associated ancillary site services. The planning application is accompanied by a Natura impact statement (NIS), all at Cartron, (E.D. Claretuam), Belclare, Tuam, 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 relevant provisions of the Galway County Development Plan 2015 - 2021, 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 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 Special Area of Conservation (Site Code: 000297), Lough Corrib Special Protection Area (Site Code: 004042) and Shrule Turlough Special Area of Conservation (Site Code: 000525) are European sites 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 Special Area of Conservation (Site Code: 000297), Lough Corrib Special Protection Area (Site Code: 004042) and Shrule Turlough Special Area of Conservation (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,
- (iii) the site-specific conservation objectives for the European sites, and
- (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, both 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 interest 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 interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of European sites.

3. Permission for this 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, as 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 interests 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.
- (f) Monitoring of ground and surface water quality, levels and discharges.

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

Reason: In the interests 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 interests 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.

Chris McGarry

Member of An Bord Pleanála

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

Dated this day of 2021.