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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 20/651**

**APPEAL** by Harrington Concrete and Quarries care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo against the decision made on the 22<sup>nd</sup> day of July, 2020 by Galway County Council to refuse permission to Harrington Concrete and Quarries.

**Proposed Development** Permission for: (a) Extraction of rock from an area consisting of 4.35 hectares which was previously subject to rock extraction and all associated facilities/works. (b) Extraction of rock will be undertaken by blasting means down to minus five metres Ordnance Datum with material transported to the existing fixed crushing and screening plant for processing with occasional processing at the application site using mobile plant. (c) Storage of quarry aggregate on completion of extraction. (d) Landscaping and restoration of the site and associated ancillary facilities/works. (e) The applicant is seeking a five-year permission as part of the planning application. This planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura impact statement. All at Ardgaheen, Claregalway, County Galway.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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.

## **Appropriate Assessment**

The Board considered the Screening Report for Appropriate Assessment. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297) is a European Site 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 all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the site's conservation objectives - Lough Corrib Special Area of Conservation (Site Code: 000297).

The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. 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, and
- (iii) the conservation objectives for the European Sites.

The Board noted that the proposed development is not directly connected with, or necessary for the management of, a European site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Inspector in respect of the implications of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lough Corrib Special Area of Conservation (Site Code: 000297) or any other European site, in view of the sites' conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

## **Environmental Impact Assessment**

The Board, in accordance with the requirements of Section 172 of the Planning and Development Act 2000, as amended, completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on the site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the planning history associated with the site and the Board's previous Environmental Impact Assessment (EIA) relating to the site,
- (d) the submissions received from the appellants and prescribed bodies, and
- (e) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR), supported by the documentation, as submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application and appeal. The Board considered, and agreed with the Inspector's reasoned conclusions that, the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (a) The proposed development will not result in increased operations at the site as the proposed development seeks to supplement, and not intensify, extraction at the site. The total extraction rate for the full quarry will not increase. The impacts on residential amenity reflect the current operational impacts with regard to roads and traffic issues as well as dust and noise. Potential noise sources on the site include a variety of mobile and fixed plant and historical blast measurements at the site note compliance with vibration limits in previous years. The EIAR indicates that the existing quarry is operating within the limits of the conditions applied as a result of the Section 261 Order. Mitigation measures are identified so that ground vibration, air overpressure and noise is minimised and kept within regulatory limits and monitoring plans are in place.

- (b) The impacts on biodiversity relate to disturbance to birds, particularly the pair of Peregrine Falcon Annex I species, who are known to nest at the quarry, due to noise and vibration associated with blasting. Leisler's Bats are also known to forage in the deeper quarry void. Impacts will be mitigated by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which include specific provisions relating to Peregrine Falcon and bat protection measures and appointment of an Ecological Clerk of Works. Proposals also include ongoing monitoring in terms of noise and dust emissions.
  
- (c) The risk of pollution of ground and surface waters during the operational phase would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR). The measures include a fuel management plan as well as specific provisions relating to groundwater, surface water and drainage and monitoring.
  
- (d) In terms of visual and landscape impacts, the proposed development will, if permitted, be located within an existing quarry void and will have limited localised visual impacts. The site is located within a landscape character area which has the capacity to absorb a development of this scale in landscape and visual terms. The restoration plans for the site promote wider biodiversity at the site which may have a positive impact.

- (e) In terms of roads and traffic impacts, the comments of the Transportation Department of Galway County Council who raise concerns as to the capacity of the road are noted. The ability of the existing road network to accommodate the scale of the development proposed, the impact the development would have on the local road network, as well as on the amenity of the wider rural area, and current vulnerable road users is questionable. As it stands, the development is dependent upon works to the public road some of which have been undertaken, without confirmation of their consent status. Mitigation measures proposed do not address the impacts on the public roads associated with the proposed development and in the absence of consent for the road works, it is concluded that the existing road network is not suitable to accommodate the proposed development.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, notwithstanding the implementation of the mitigation measures proposed in the Environmental Impact Assessment Report, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be unacceptable, in regard to roads and traffic. In doing so, the Board adopted the report and conclusions of the Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking the decision.

## **Reasons and Considerations**

On the basis of the documentation submitted with the application and appeal, the Board is not satisfied that the proposed development is not reliant upon works to the public road infrastructure in the vicinity of the site, particularly local road (L6182), including works carried out recently outside of the red line boundary of the proposed development and for which no detail of the authorised status of such works has been provided with the application and appeal, as well as other potential road works on lands outside of the control of the applicant which have not yet been undertaken. In the absence of certainty as to the timing and authorised implementation of road works along the L6182 required to facilitate the proposed development, it is considered that the proposed development would endanger public safety by reason of traffic and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this            day of            2021.**