

An
Bord
Pleanála

Board Order
ABP-308549-20

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 20/499

Appeal by Brendan Dowling of Cashla, Athenry, County Galway and by Coshla Quarries Limited care of MKO of Tuam Road, Galway against the decision made on the 8th day of October, 2020 by Galway County Council to grant subject to conditions a permission to the said Coshla Quarries Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A twenty year planning permission for the continued operation of the existing quarry and all associated uses and activities, as well as for an extension to the existing quarry extraction area and all associated site works including landscaping arrangements at Barrettspark, Athenry, County Galway. The proposed quarry extension area is on lands to the north, south and east of the existing quarry and the additional extraction area amounts to approximately 6.7 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.

Reasons and Considerations

Having regard to:

- (i) the provisions of the Galway County Development Plan 2022-2028 in respect of extractive industries,
- (ii) the “Quarries and Ancillary Activities, Guidelines for Planning Authorities” issued by the Department of the environment, Heritage and Local Government in 2004,
- (iii) the Environmental Impact Assessment Report submitted with the application to develop the quarry,
- (iv) the Natura Impact Statement submitted with the application to develop and extend the quarry,
- (v) the nature and scale of the development the subject of this application to develop and extend a quarry,
- (vi) the proposed mitigation measures and restoration scheme proposed,
- (vii) the planning history of the site,
- (viii) further submissions from the parties in response to reports/observations, and
- (ix) the Inspector’s report,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Development Plan policies, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would not be likely to have a significant detrimental effect on ecology or protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st day of April, 2020, as amended by the further plans and particulars submitted on the 15th day of September, 2020 and by the further plans and particulars received by An Bord Pleanála on the 4th day of November, 2020, 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.
 - (a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.
 - (b) The developer shall appoint an Environmental Manager with suitable ecological and construction expertise to ensure that these mitigation measures are fully implemented. A report of compliance with the mitigation measures shall be submitted to the planning authority following a timeframe to be agreed in writing with the planning authority prior to the commencement of development.

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

3. (a) This grant of planning permission for further extraction of sand and gravel, relates only to the areas outlined on the drawings submitted on the 21st day of April, 2020. All extraction and processing operations on site shall cease 20 years from the date of the grant of permission. All plant and machinery shall cease operation and shall be removed from site within 20 years of the date of this grant of planning permission.
- (b) Restoration of the site shall be in accordance with the restoration plan received by the planning authority on the 15th day of September, 2020 and shall be completed within 20 years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use.
- (c) The developer shall submit, every second year, for the twenty-year lifetime of the permission to further develop the quarry, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction. The first such shall be submitted two years from the date of this Order.

Reason: In the interest of orderly development and to ensure the appropriate restoration of the site.

4. (a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 137 number (two-way movements).
- (b) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movement shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority.

- (c) No extraction shall take place pursuant⁵ to this grant of permission prior to the implementation of the upgrade works, as confirmed in writing by the planning authority, to the R339/L7109 junction, as contained in the submission from 'Alan Lipscombe O Traffic and Transport Consultants' for the applicant received by the planning authority on the 15th day of September, 2020.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interests of traffic safety, having regard to the constrained nature of the junction of the Coshla Road (L7109) with the R339 regional road.

5. No quarry Heavy Goods Vehicle (HGV) traffic shall use the access route involving the L-7109 local road and R348 regional road. Prior to commencement of development, proposals for signage and other appropriate management measures to ensure compliance with this condition shall be submitted to the planning authority for written agreement.

Reason: In the interest of road safety.

6. No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of five metres above the winter water table level as specified.

Reason: To protect groundwater in the area.

7. Upon completion of restoration, the applicant shall submit to the planning authority for written agreement, a digital topographical survey of the final restored contours.

Reason: To ensure full restoration of the landscape.

8. 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 proposals for the following:
- (a) suppression of on-site noise,
 - (b) on-going monitoring of sound emissions at dwellings in the vicinity,
 - (c) suppression of on-site dust,
 - (d) safety measures for the land above the extended quarry void, to include warning signs and stock-proof fencing/hedgerows,
 - (e) management of all landscaping,
 - (f) monitoring of ground and surface water quality, levels and discharges, and
 - (g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

9. (a) Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):
- (i) Day 55dB(A) Laeq (30 minutes) (0800 hours to 2200 hours).
 - (ii) Night 45dB(A) Laeq (30 minutes) (2200 hours to 0800 hours).
- Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the planning authority on a quarterly basis per year.

- (b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site.

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

10. On-site operations, other than blasting operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive.

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

11. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, detailing of the methodology proposed for notifying the public in advance and following the completion of a blast. Blasting should only take place between 0900 and 1800 hours Monday to Friday (excluding Bank and Public Holidays) except in emergencies or for health and safety reasons. The vibration levels at nearby sensitive locations, including dwellings, should not exceed a peak particle velocity of six millimetres per second. The air overpressure should not exceed 125 dB (Lin) max peak with a 95% confidence limit. No individual air overpressure value should exceed the limit value by more than five 5 dB (Lin).

Reason: In the interests of protection of residential ministries have joined properties and to ensure public safety and Environmental Protection.

12. (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).
- (b) Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-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.
- (c) 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 entire quarry complex, 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.

13. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration.
- (b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:
- (i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
 - (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.
 - (iii) A record of groundwater levels measured at monthly intervals.
 - (iv) A written record of all complaints, including actions taken in response to each complaint.

- (c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority.
- (d) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- (e) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

- 14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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.

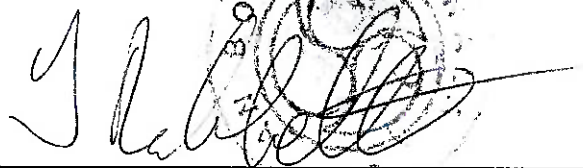
Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

15. The developer shall pay to the planning authority a financial contribution of €122,566.40 (one hundred and twenty two thousand, five hundred and sixty six euro and forty cent) 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. The application of any indexation required by this condition 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.

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.

16. The developer shall pay the sum of €25,000 (twenty five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of road improvement works at the junction of the L-7109 local road and the R339 regional road and on the L-7109 road at the entrance to the quarry. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Tom Rabbette

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

Dated this 23rd day of August 2023.