



An
Bord
Pleanála

Board Order ABP-310037-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/169

Appeal by Harrington Concrete and Quarries care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo against the decision made on the 30th day of March, 2021 by Galway County Council in relation to the application for permission for development comprising: (a) erection of a storage shed for the storage of the block making machinery and (b) variation of conditions of use, specifically condition number 2 of planning register reference number PL7/5/88667 (Concrete Batching Plant) and condition number 2 of planning register reference number PL7/5/88665 (Macadam Plant), such as to materially change the hours of use of both authorised plants. The applicant seeks to vary the operating hours of both plants, associated marshalling areas and haul road to allow plants to operate between the hours of 0600 and 2000, Monday to Friday excluding public holidays, and between 0700 and 1600 hours on Saturdays. Loading and unloading of vehicles shall be confined to the hours of 0700 and 1700 Monday to Friday and 0800 to 1600 hours on Saturdays. Operation of the plant outside of these hours shall be subject to prior agreement with Galway County Council, all at Ardgaheen, Claregalway, 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 (a) erection of a storage shed for the storage of the block making machinery and to refuse permission for (b) variation of conditions of use, specifically condition number 2 of planning register reference number PL7/5/88667 (Concrete Batching Plant) and

condition number 2 of planning register reference number PL7/5/88665 (Macadam Plant) to materially change the hours of use of both authorised plants;).

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 the planning history of the site, the resource based nature of the proposed development, the pattern of development in the area and the provisions of the current Galway County Development Plan in respect of the extractive industry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, or the amenities of property in the vicinity, would not be prejudicial to public health and would 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.

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. Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant permissions granted by the planning authority and An Bord Pleanála.

Reason: In the interests of clarity and orderly development.

3. (1) The Concrete Batching Plant and the Macadam Plant, and all activities occurring therein, shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0800 hours and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.
- (2) No works shall take place at night-time or outside of the foregoing amended hours of operation,

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

4. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an LArT value of 55dB(A) during the period 0700 to 2000 hours from Monday to Friday (inclusive) and 0800 to 1600 hours on Saturdays.
 - (b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

5. 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.


Michelle Fagan

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

Dated this 17th day of January 2023.