



An  
Bord  
Pleanála

Board Order  
ABP-316226-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 221176**

**Appeal** by Dan O'Hara Limited care of Setanta Solicitors of 92/93 Saint Stephens Green, Dublin against the decision made on the 15<sup>th</sup> day of March, 2023 by Galway County Council to grant, subject to conditions, a permission to Martin Mannion care of Patrick O'Donnell Construction Services of Buckwaria Road, Tonranny, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of extraction of rock from an area consisting of 1.9 hectares which was previously subject to rock extraction; extraction of rock will be undertaken by blasting means down to a level of 36.4 meters ordnance datum; processing of material using mobile crushing and screening plant; all associated ancillary facilities/works; screening berms and landscaping. The duration of the proposed works is over a 25-year period, at Lettershea, Clifden, 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.**

## **Reasons and Considerations**

In coming to its decision, the Board had regard to:

- (a) the policies and objectives set out in the Galway County Development Plan 2022-2028,
- (b) the provisions of the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in 2004,
- (c) the pattern of development in the area,
- (d) the range of mitigation measures set out in the documentation received, including the Natura Impact Statement and further information,
- (e) the planning history of the site,
- (f) the submissions made in connection with the planning application and appeal, and
- (g) the report and recommendation of the Inspector on the 1<sup>st</sup> day of December 2023 and the addendum report of the Inspector on the 14<sup>th</sup> day of March, as requested by the Board.

## **Appropriate Assessment Screening**

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an Appropriate Assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Connemara Bog Complex Special Area of Conservation (Site Code 002034), Connemara Bog Complex Special Protection Area (Site Code 004181) and The Twelve Bens/Garraun Complex Special Area of Conservation (Site Code 002031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

## **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the aforementioned European Sites in view of the sites' Conservation Objectives. 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.

In completing the Appropriate Assessment, 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 Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, 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.

### **Proper Planning and Sustainable Development:**

Having regard to nature and extent of the development, it is considered that, subject to compliance with the conditions set out below, the proposed 1.9 hectare downwards extension of the existing extraction area would be in accordance with the provisions of the Galway County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. 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 as amended by the further plans and particulars submitted the 16<sup>th</sup> day of February 2023, 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 duration of permission shall be for a period of 25 years from the date of this Order. The site shall be fully restored within two years of the date of this permission unless a further grant of planning permission has been made for continued operation.

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

3. No extraction shall take place below the level of the water table.

**Reason:** To protect groundwater in the area.

4. All mitigation and monitoring commitments identified in the Natura Impact Statement and other particulars submitted with the application and as amended in the further information submitted on the 16<sup>th</sup> day of February 2023 shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

5. (a) The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1700 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturdays. No activity shall take place outside of these hours or on Sundays or public holidays.
- (b) The quarry is restricted to an amount not exceeding four vehicle movements per hour during the permitted operation hours as outlined at (a) above.
- (c) Sight distance triangles shall be kept free of vegetation or other obstructions.
- (d) No surface water shall be discharged on to the public road or adjoining property.
- (e) No processing (screening and crushing) machinery shall be operated, or overburden removal shall be undertaken within any part of the site, before 0800 hours on any day.

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

6. A comprehensive plan for the restoration of the entire quarry following cessation of the quarrying works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include proposals for re-use of the quarry and measures to ensure public safety therein. The developer shall commence implementation of the agreed site restoration plan within the area of the site within one month of cessation of extraction in this area and shall have completed this part of the plan within 12 months of commencement.

**Reason:** In the interests of public amenity and public safety.

7. The development shall be operated and managed in accordance with an Environmental Management System, which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include, inter alia, the following:
- (a) Proposals for the suppression of on-site noise.
  - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
  - (c) Proposals for the suppression of dust on site and on the access road.
  - (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
  - (e) Details of safety measures for the land above the quarry, to include warning signs and stockproof fencing.
  - (f) The management of all landscaping.
  - (g) 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 at monthly intervals for groundwater, surface water, noise and ground vibration.
  - (h) 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 (if present) 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.
- (i) 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 submitted to, and agreed in writing with, the planning authority. Notwithstanding this requirement, 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.
- (j) 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.



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

**Reason:** In order to safeguard local amenities, and in the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

8. The noise levels generated during the operation of the quarry shall not exceed 55dBA (30 minutes LAR) when measured at the nearest existing or permitted noise sensitive receptor between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays, excluding public and bank holidays. Noise levels shall not exceed 45dBA (15 minute Leq) at any other time. When measuring specific noise, the time shall be any one period during which the sound emission for the quarry is at its maximum level.

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

9. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics-Description and Measurement of Environmental Noise Levels as amended.

**Reason:** In the interests of clarity.

10. The frequency of blasting shall not be more than one per month, save in accordance with any revised blasting schedule as may be submitted to, and approved in writing with, the planning authority.

- (a) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense and by an independent contractor who shall be approved in writing by the planning authority.
- (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

**Reason:** In the interest of public safety and residential amenity.

11. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than five dB (Lin).
- (b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme 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 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 protect the amenities of property in the vicinity.

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). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to 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.
- (b) 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 site, 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. 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 and residential amenity.

14. 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

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

Dated this *11<sup>th</sup>* day of *June*, 2024.