



An  
Bord  
Pleanála

Board Order  
ABP-317330-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/60819**

**Appeal** by Peter Sweetman and Associates of Post Office Box 13611, Bantry, County Cork and by Thomas Niland of Birmingham Road, Tuam, County Galway against the decision made on the 25<sup>th</sup> day of May, 2023 by Galway County Council to grant subject to conditions a permission to McTigue Quarries Limited care of Quarryplan of 10 Saintfield Road, Crossgar, Downpatrick, Northern Ireland in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Planning permission is sought for a period of up to 10 years for quarrying operations including the extraction of minerals (sand and gravel) over an area of 6.5 hectares to a final depth of 34 metres AOD, mineral processing activities, the loading of materials, the transportation of materials from the quarry and all related ancillary works related to the same; the recovery of inert waste arising from construction and demolition (C and D) activity via the importation of inert material and the operation of an inert waste recycling facility; and the recovery of natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste (resultant from the recycling and mineral processing proposed on-site) for the purposes of

achieving a beneficial restoration for the site to agriculture, all on a site of 6.500 hectares, at Cloonascragh, Tuam, County Galway. The proposed development was revised by further public notices received by the planning authority on the 31st day of March, 2023.

## **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 (2004),
- (iii) the Environmental Impact Assessment Report submitted with the application to develop the quarry,
- (iv) the National Waste Management Plan for a Circular Economy 2024-2030,
- (v) the Natura Impact Statement submitted with the application to develop the quarry,

- (vi) the nature and scale of the development the subject of this application to develop and quarry,
- (vii) the proposed mitigation measures and restoration scheme proposed,
- (viii) the planning history of the site,
- (ix) the grounds of the appeal,
- (x) further submissions from the parties in response to reports/observations, and
- (xi) the report of the Planning Inspector,

it is 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.

#### **Appropriate Assessment – Screening**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042), are the only European

Sites in respect of which the proposed development has the potential to have a significant effect and for which Appropriate Assessment is, therefore, required.

### **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on that Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protection Area (Site Code: 004042) in view of the site's 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 scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment (EIA)**

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, planning authority, appellants, observers and the prescribed bodies in the course of the application, and
- (d) the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative impacts of the proposed development on the environment.

The Board agreed with the examination set out in the Inspector's report, in particular at section 9 of that report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and the submissions made in the course of the planning application and appeal.

The Board concluded that the main significant direct, indirect, secondary and cumulative effects of the proposed development on the environment would be:

- Impacts on population and human health as a result of noise, dust and traffic during the operational phase. The potential impacts would be mitigated by mitigation measures, such as the limiting of hours of operation and appropriate emission limit values.
- Impacts on biodiversity are likely to arise due to the removal of habitat and disturbance. The impacts arising from the removal of habitat and disturbance would be mitigated by progressive restoration of the site to full restoration.
- Landscape and visual impacts would arise on the landscape from the extraction area proposed. The implementation of landscaping and the full restoration to pre-quarry levels would mitigate potential adverse landscape and visual impacts.
- Positive significant impacts would arise during the operational phase and benefits would include employment and economic benefits.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that the proposed development is, broadly compliant with the provisions of the Galway County Council Development Plan 2022-2028 and 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 on the 24<sup>th</sup> day of March 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. This permission is for a period of 10 years from the date of this Order.

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

3. (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) Mitigation and monitoring measures included in the Natura Impact Statement submitted with this application shall be carried out in full.
- (c) 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 commencement of development.

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

4. (a) This grant of planning permission for the extraction of sand and gravel and the operation of an inert construction and demolition (C and D) waste recycling facility, relates only to the areas outlined on the drawings submitted to the planning authority on the 12<sup>th</sup> day of August 2022. All extraction, processing and inert construction and demolition (C and D)



waste recycling operations on site shall cease 10 years from the date of this Order. All plant and machinery shall cease operation and shall be removed from site within 10 years of the date of this Order.

- (b) No abstraction of water shall take place outside of the red line site boundaries as outlined on the drawings submitted.
- (c) Restoration of the site shall be in accordance with the restoration plan submitted to the planning authority on the 12<sup>th</sup> day of August 2022 and shall be completed within 10 years of the date of this Order unless, prior to the end of that period, planning permission is granted for the continuance of use.
- (d) The developer shall submit, every second year, for the 10-year lifetime of the permission to 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.

- 5. (a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 14 number (daily average 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.

**Reason:** To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interests of traffic 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. (a) A comprehensive plan for the restoration of the entire quarry following the cessation of 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.
- (b) Upon completion of restoration the developer shall submit to the planning authority for their written agreement a digital topographical survey of the final restored contours.

**Reason:** In the interest of public amenity and public safety and 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,
  - (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):

Day 55dB(A)Laeq (30 minutes) (0800 hours to 2200 hours).  
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 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 and not at all on Sundays or public holidays. 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. (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 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.

12. (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. 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.
- (d) 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.

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 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.



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**Mary Henchy**

**Member of An Bord Pleanála**

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

**Dated this 21<sup>st</sup> day of August 2024.**