

An
Coimisiún
Pleanála

Commission Order
ABP-319173-24

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: P23/30182

Appeal by John and Gertie Gardiner of Mullafarry, Killala, County Mayo against the decision made on the 1st day of February, 2024 by Mayo County Council to grant subject to conditions a permission to BP Mitchell Haulage and Plant Hire Limited care of Quarry Consulting of Unit 3, Cedar Crescent, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: An inert waste recovery facility within an application area of 1.8 hectares at Mullafarry Towland, Killala, County Mayo, as amended by the further public notice received by the planning authority on the 12th day of December, 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 the nature, scale and location of the proposed development in an active quarry, and also having regard to the provisions of the Mayo County Development Plan 2022-2028, including Objective EDO 62 which seeks, inter alia, environmental enhancement following the extraction of aggregate resources, Objective NEO 27 which seeks that development proposals are consistent with the Landscape Appraisal of County Mayo, and Objective NEO 37 which seeks that the Water Framework Directive and the River Basin Management Plan are fully considered in the planning process, the Board considered that that the proposed development, subject to compliance with the conditions hereunder, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would not adversely impact on water resources, would not be likely to have a significant detrimental effect on ecology or protected species in the area and would be acceptable in terms of traffic safety. The Board considered that there are positive long-term impacts arising from the development including the reinstatement of the landscape following the cessation of quarrying at this specific location and the associated positive visual impacts from this reinstatement. The Board was also satisfied that the development was consistent, in particular, with the above cited Objectives of the statutory plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board performed its functions in relation to the making of its decision, in a manner consistent with section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025) and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Appropriate Assessment: Stage 1

The Board agreed with and adopted, the screening assessment and conclusion carried out in the Inspector's report, that the Killala Bay/Moy Estuary Special Area of Conservation (site code 000458) and the Killala Bay/Moy Estuary Special Protection Area (site code 004036) 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 for approval, the mitigation measures contained therein, the submission on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development, for the affected European Sites, namely, the Killala Bay/Moy Estuary Special Area of Conservation (site code 000458) and the Killala Bay/Moy Estuary Special Protection Area (site code 004036), 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 integrity of 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.

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 received by the planning authority on the 14th day of November 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 mitigation and monitoring measures identified in the Natura Impact Statement shall be implemented in full.

Reason: In the interest of protecting the environment and the protection of European Sites.

3. All mitigation measures outlined in the plans and particulars, including the Environmental Impact Assessment Screening Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the integrity of the receiving environment.

4. Planning permission is for the receipt of soil and stones only and no construction and demolition waste shall be accepted. This permission will cease to have effect once the site has been filled to the levels specified in the plans and particulars submitted with the application or when 95,000 tonnes of material have been imported in total, or within seven years of the date of this Order, whichever situation arises first.

Reason: In the interest of clarity and to allow an appropriate and reasonable period for the completion of the development.

5. The facility approved by this Order, shall not operate until the appropriate authorisation has been obtained from the planning authority for a waste facility permit, as required.

Reason: In the interest of clarity and proper waste management.

6. For the duration of the infilling operation, the applicant shall provide a water bowser/sprayer unit on-site for the purposes of controlling dust as and when required, a spill-kit to be in place and used should a fuel/oil spill occur.

Reason: To reduce dust nuisance impacting on the surrounding environment.

7. The infill activity on the site shall have regard to the Environmental Protection Agency's Guidance on Waste acceptance on Waste Acceptance Criteria at Authorised Soil Recovery Facilities (2020), specifically, that material accepted on site will be inspected in accordance with the Guidance, prior to acceptance. Only uncontaminated soil shall be accepted on the site.
- Reason:** In the interest of proper waste management.
8. The placing of imported fill shall be carried out in a sequential manner; in layers/lifts of no more than one metre thickness – each layer shall be fully compacted prior to placing of the subsequent layer.
- Reason:** To minimise potential for fill slippage and any associated adverse impact on any adjoining watercourse.
9. Measures shall be implemented (on site) to prevent any sedimentation of and/or increased suspended solids in any surface water drain or other water body on or adjoining the site. Existing and adequately scaled silt-traps/silt-screens and settling ponds shall be managed and maintained on site as required in this regard.
- Reason:** To prevent any deterioration in the water quality of any adjoining/nearby watercourse.
10. Site development and works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.
- Reason:** In order to safeguard the amenities of property in the vicinity.

11. Drainage shall be provided to the site and any hardstand/site entrance/exit, such that no surface water shall discharge onto the private road or public road. All surface water to be piped to a suitable discharge within the applicant's site. Any drainage ware located within the hardstand/access/entrance areas to be of D400 grade. Roadside drainage to be maintained at all times. No mud or debris etc shall be deposited onto the public road network during development. The developer shall not cause any water to impinge on the road and shall bear the cost of any works carried out by the planning authority to correct any such drainage problem.

Reason: In the interests of proper drainage and traffic safety.

12. All vehicles leaving the site shall utilise the existing wheel wash facilities provided on site.

Reason: To keep the public road free from dust and debris.

13. The developer shall submit annually to the planning authority for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

14. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during infill development works.

Reason: To protect trees and planting during the construction and infill period, in the interests of visual amenity and biodiversity.

15. During the infill operation phase of the proposed development, the noise level from within the boundaries of the site measured at existing noise sensitive locations in the vicinity, shall not exceed-

- (a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays), and
- (b) an L_{Aeq, T} value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity

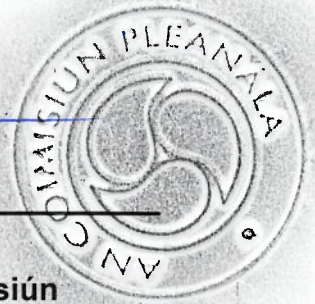
16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 7th day of July 2025.