

An
Coimisiún
Pleanála

**Commission Order
ABP-321022-24**

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 24/60013

Appeal by Peter Sweetman against the decision made on the 12th day of September, 2024 by Galway County Council to grant, subject to conditions, a permission to Newtown Farming Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development of a quarry for the extraction of sand in a phased basis over an area of circa 6.2 hectares by an average depth of three metres from existing ground levels in the townland of Lomaunaghbaun, County Galway. The proposed development also includes the following: (i) installation of a processing plant and associated components; (ii) stockpiling of topsoil removed during quarrying for future implementation of a restoration plan; (iii) construction of a refuelling area; (iv) installation of a site office (30 square metres); (v) installation of a wastewater holding tank (63.6 square metres); (vi) Installation of a weighbridge and wheelwash; (vii) installation of a new site entrance along with road reprofiling works on the

L2232; (viii) installation of a groundwater well; (ix) provision of drainage infrastructure including a new hydrocarbon interceptor and surface drains on hardstanding; (x) all associated site development and operational works; and (xi) site restoration following the cessation of sand extraction works.

Permission is sought for an operational lifetime of 10 years. All at Lomaunaghbaun, Tuam, County Galway.

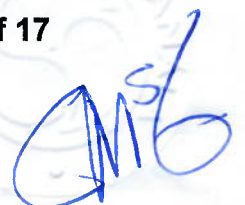
Decision

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

- (a) In coming to its decision, the Commission 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, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:
- (b) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA, and the provisions of the Planning and Development Regulations, 2001, as amended,
- (c) the National Planning Framework (Project Ireland 2040),

- (d) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (e) the Supplementary Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government, July 2012,
- (f) the applicable national, regional and local planning policy provisions, including the Galway County Development Plan 2022-2028,
- (g) the EU Water Framework Directive 2000 (2000/60/EC),
- (h) the Natura Impact Statement and the Environmental Impact Assessment Report submitted with the application, and documentation on file generally,
- (i) the documentation submitted with the application and appeal,
- (j) the submissions received from prescribed bodies, the appellant and third-party observers,
- (k) the planning history of the site and the surrounding location,
- (l) the pattern of development in the area,
- (m) the nature, scale, characteristics and location of the development, the subject of this application, including in relation to potential significant effects on the environment and on the integrity of European sites in the area, and
- (n) the report of the Inspector.



Appropriate Assessment Stage 1

The Commission considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission noted that the proposed development is not directly connected with, or necessary for, the management of any European site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Commission agreed with the screening exercise carried out by the Inspector.

The Commission concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to, and distance between, the application site and the European Sites, including Derrinlough (Cloonkeenleananode) Bog Special Area of Conservation (Site Code: 002197), Shankill West Bog Special Area of Conservation (Site Code: 000326), Lough Lurleen Bog/Glenamaddy Turlough Special Area of Conservation (Site Code: 000301), Lisnaggeeragh Bog and Ballinastack Turlough Special Area of Conservation (Site Code: 000296), Coolcam Turlough Special Area of Conservation (Site Code: 000218), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031) which could be screened out from further consideration and that the proposed development, either individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is, therefore, not required in relation to these European Sites.

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The Commission considered that an appropriate assessment of the implications of the proposed development for the Levally Lough Special Area of Conservation (Site Code: 000295), Lough Corrib Special Area of Conservation (Site Code: 000297), Williamstown Turloughs Special Area of Conservation (Site Code: 002296) and Lough Corrib Special Protection Area (Site Code: 004042) required further investigation.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Levally Lough Special Area of Conservation (Site Code: 000295), Lough Corrib Special Area of Conservation (Site Code: 000297), Williamstown Turloughs Special Area of Conservation (Site Code: 002296) and Lough Corrib Special Protection Area (Site Code: 004042).

The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment as well as the report of the Inspector. In completing the assessment, the Commission considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for these European Sites. In completing the Appropriate Assessment, the Commission 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 regards to the sites' conservation objectives.



In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of Levally Lough Special Area of Conservation (Site Code: 000295), Lough Corrib Special Area of Conservation (Site Code: 000297), Williamstown Turloughs Special Area of Conservation (Site Code: 002296) and Lough Corrib Special Protection Area (Site Code: 004042) or any other European site in view of the sites' conservation objectives.

Likely Effects on the Environment/Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Reports (EIAR's) and associated documentation submitted in support of the application,
- (c) the Screening for Appropriate Assessment and Natura Impact Statement and associated documentation submitted in support of the application,
- (d) the planning authority reports, and the submissions received from the appeal submission and submission from the observers and prescribed bodies, and
- (e) the Inspector's report.

The Commission considered that the Environmental Impact Assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment.

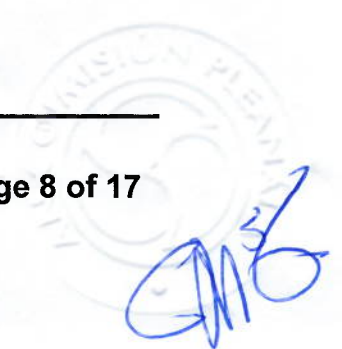
The Commission agreed with the examination, as set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and the submission made in the course of the application.

The Commission considered, and agreed with, the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be, mitigated as follows:

- **Lands and Soils:** Stripping of soils and overburden on site and the extraction of sand and gravel will be a negative, permanent and adverse effect. It will be mitigated by the reuse of soil and overburden on site to screen the extraction works and use of such for the restoration of the site to agricultural use with restoration of dry calcareous and neutral grassland and planting of hedgerows post operation.
- **Hydrology and Hydrogeology:** In terms of Hydrology and Hydrogeology, there is potential for a deterioration of water quality to the Clare-Corrib Ground Water Body (GWB) (IE_WE_G_0020) waterbody arising from pollution/sedimentation during the construction, operational and decommissioning phase and subsequent deterioration of water quality in water bodies and designated sites linked to such, including Levally Stream and Drumbulcuan Bog proposed Natural Heritage Area, which is dependent on good water quality. Having regard to the

file, including details of the mitigation measures to be undertaken, no significant adverse direct, indirect or cumulative effects on the water environment, water quality or Water Framework Directive (WFD) or any waterbodies and designated site dependent on good water quality will arise as a consequence of the proposed existing development.

- **Air and Climate:** In terms of impacts on air quality, the proposal has potential to impact air quality and climate through emissions from plant machinery and traffic and dust generation during the construction, operational and decommissioning phase. Having regard to the level of change in traffic volumes and movements during the operational phase, the effect of the existing development on national GHG emissions is not significant with the proposed development unlikely to have a considerable impact on climate. Having regard to mitigation measures to be implemented during the construction, operational and decommissioning/restoration stage, it has been demonstrated that the risk of dust nuisance on human health and emissions on climate has been identified as having no significant direct, indirect or cumulative effects as a consequence of the proposed development.
- **Population and Human Health:** Significant positive impacts on the socio-economic profile of the area due to increased economic activity, employment provision and the supply of the base material necessary to facilitate future construction projects including housing, commercial and infrastructure projects.



- **Biodiversity:** The construction and operation of the quarry will result in the phased loss of habitat consisting of dry calcareous and neutral grassland and hedgerow and subsequent loss of habitat for commuting and foraging bats, and bird species. Having regard to the fact that this habitat is not unique to the site and is abundant within the intervening area and the level of habitat loss is small in the context of the available habitat in the area, this habitat loss will not have an adverse or significant effect on biodiversity at this location.

Proper Planning and Sustainable Development

Having regard to the nature, scale and form of the proposed development, to the subject site location, the pattern of development in the area, the relevant provisions of the Galway County Development Plan 2022-2028, including policy relating to the extractive industry, as well as national and regional policy support for extractive activities, to the assessment of environmental issues as contained in the application and appeal documentation and the consideration of the application by the planning authority, it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the proper planning and sustainable development, would be acceptable in terms of environmental effects, and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development for the area.

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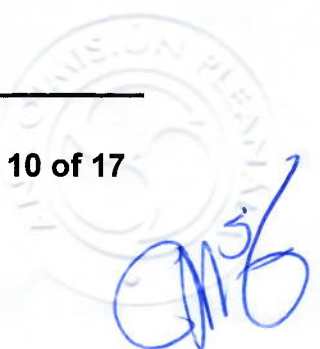
Conditions

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 details submitted on the 19th day of July 2024, 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. Prior to the commencement of development, final details of the calculated extraction volumes along with associated sectional and plan drawings, referenced in the submission from the applicant received by the Commission on the 29th day of January, 2026, shall be submitted to the planning authority and placed on the public file.

Reason: In the interest of clarity.



3. (a) The permission shall be for a period of 10 years from the date of the commencement of extraction. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
- (b) The site shall be reinstated in accordance with the Landscape Restoration Plan as set out under Appendix 11-1 of the Environmental Impact Assessment Report submitted with the application.

Reason: In the interest of landscape restoration upon cessation of the project.

4. The mitigation measures contained in the submitted Environmental Impact Assessment Report shall be implemented in full.

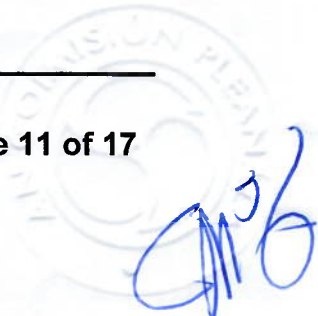
Reason: To protect the environment.

5. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented in full.

Reason: To protect the environment and the integrity of European sites.

6. The Environmental Management Plan (EMP), as set out under Appendix 4-2 of the Environmental Impact Assessment Report (EIAR) shall be implemented in full.

Reason: In the interest of orderly development.



7. (a) Free-field noise levels attributable to the operation of the sand and gravel quarry when measured at the nearest noise sensitive locations at the boundaries of the site, shall not exceed 55 dB(A) Leq,1h during permitted operating hours and shall not exceed 45dB(A) Leq,15 min at any other time.
- (b) Notwithstanding (a) above, where any temporary quarry activity is expected to exceed the noise limits above, this shall be notified in advance to the planning authority, and to residents in the vicinity, indicating the reason for such activity, and its likely duration. No such exceedance of noise limits shall occur without the prior written agreement of the planning authority.

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

8. (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 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.

9. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

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

10. The quarry, and all activities occurring therein, shall only operate between 0700 and 1800 hours from Mondays to Fridays inclusive and between 0700 and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or 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 protect the amenities of property in the vicinity.

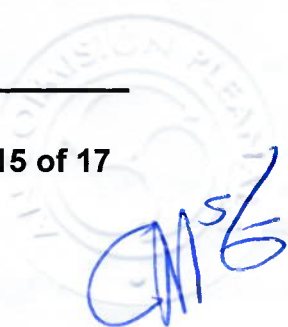


11. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the local authority Archaeologist or the National Monument Service (NMS). Prior to the commencement of such works, the archaeologist shall consult with, and forward to, the local authority archaeologist or the NMS, as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.
- Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

12. The following requirements of the Geological Survey Ireland shall be implemented:

- (a) Allow access to quarry faces by appropriate scientists (upon request and with due regards to Health and Safety requirements) during quarrying to check for interesting new strategies/relationships as they might become exposed and to establish if the quarry site is worthy of recognition post extraction and through aftercare/restoration planning.
- (b) If deemed appropriate in (a) above, leave a representative section of the quarry face at the end of the quarry life or inclusion of information panels to promote the geology to the public or develop tourism or educational resources if appropriate depending on the future use of the site. Natural exposures are few, or deeply weathered, this measure would permit on-going improvement of geological knowledge of the subsurface.

Reason: In the interest of geological knowledge.

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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 Coimisiún Pleanála for determination.

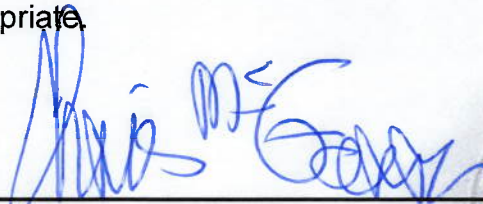
Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

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 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.

15. 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, in respect of securing reinstatement of the public road and road markings which may be damaged by the transportation of materials to the site, to secure the provision of existing drains, open space and other services required in connection with the development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: To ensure the satisfactory restoration of the public road and road markings, as appropriate.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 7th day of September 2026.