

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 25/60256

Appeal by Noelle Eakins and by Elizabeth Kelly against the decision made on the 15th day of December, 2025 by Galway County Council to grant subject to conditions a permission to John Madden and Sons Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10-year planning permission for the further development of a quarry, permitted under planning register reference number P09/415 to a final depth of 30.50 mAOD. The development will consist of proposed continuation of extraction activities in the existing quarry void above the water table, and to laterally extend the existing quarry void to the east and south; extraction of a total volume of 325,000 tonnes on site over an area of circa 2.851 hectares; proposed tarmac surface and ramped surfaces, landscaping, and indigenous tree planting; preservation and augmentation of the existing vegetation and planting; provision of site drainage infrastructure; existing septic tank to be decommissioned and all associated piping to be removed. Installation of a proposed polishing filter and treatment plant; proposed maintenance track access gate and associated safety fence; construction of an area dedicated to truck parking and car parking. Mineral

processing activities, the loading of materials, the transportation of materials from the quarry and all related ancillary works related to the same; all associated site development and operational works; and all ancillary apparatus and site development works above and below ground, including soft and hard landscaping and drainage infrastructure; the recovery of inert waste arising from construction and demolition activity, via the importation of inert material (under Waste Facility permit or as by End of Waste (in accordance with Article 28 of the European Communities (Waste Directive) Regulations 2011, as amended, and the operation of an inert recycling facility to create recycled aggregates in accordance with the National End-of-Waste Criteria-Recycled Aggregates (EoW-N001/2023); propose to restore the site, through the excavation and backfilling of areas; restoration of quarry to its surrounding/former ground level using naturally occurring materials, principally inert soil and stone generated by construction and development activity and imported as waste under Waste Facility permit or as by-product, site restoration will be carried out on a phased basis, all at Ballysheedy Sheeaun, and Sheeaun (Kiltartan) Townland, Gort, County Galway.

Decision

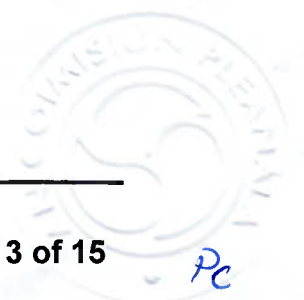
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location and character of the site within an existing permitted extraction site, the provisions of the Galway County Development Plan 2022-2028, including Policy Objectives RD1 and MEQ 1 and MEQ 3, DM Standard 18, and the nature and scale of the proposed extraction and infilling development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of land use, scale and timeframes, would not seriously injure the amenities of the area or of neighbouring residential properties, would be acceptable in terms of traffic safety and convenience, and would not adversely affect groundwater or ecology in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in the Appropriate Assessment screening, the Commission concluded that it is not possible to exclude that the proposed development, individually or in combination with other plans and projects, would not be likely to have significant effects on the East Burren Complex Special Area of Conservation (Site Code: 001926) and the Termon Lough Special Area of Conservation (Site Code: 001321) in view of the sites' Conservation Objectives and, therefore, that an Appropriate Assessment Stage 2 (and the submission of a Natura Impact Statement) is required. This determination is based on the proximity of the site to these European Sites, and the proposed extraction and processing methods, including blasting, crushing and screening.



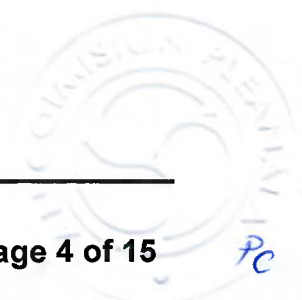
Appropriate Assessment: Stage 2:

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the East Burren Complex Special Area of Conservation (Site Code: 001926) and the Termon Lough Special Area of Conservation (Site Code: 001321) in view of the Conservation Objectives of these sites and that an Appropriate Assessment Stage 2 (and the submission of a Natura Impact Statement) was required.

Following an examination, analysis and evaluation of all material submitted, and taking into account the observations of the Department of Housing, Local Government and Heritage, it is considered that adverse effects on site integrity of the East Burren Complex Special Area of Conservation (Site Code: 001926) and the Termon Lough Special Area of Conservation (Site Code: 001321) can be excluded in view of the Conservation Objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on the following:

- (a) A full and detailed assessment of all aspects of the quarrying activities and post-operational/remediation proposals in relation to the Conservation Objectives of the aforementioned designated sites.
- (b) The effectiveness of mitigation measures proposed and the undertaking of monitoring.
- (c) A detailed assessment of in-combination effects with other plans and projects, including historical projects, current proposals, and future plans.

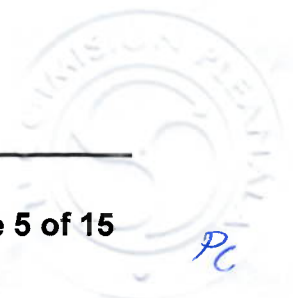


- (d) No reasonable scientific doubt as to the absence of adverse effects on the integrity of the East Burren Complex Special Area of Conservation (Site Code: 001926) and the Termon Lough Special Area of Conservation (Site Code: 001321).

Environmental Impact Assessment Screening:

Having regard to:

- (a) the criteria set out in Schedule 7 of the Planning and Development Act 2000, as amended, in particular
 - (i) the nature and scale of the proposed extraction development, adjacent to and within an existing quarry with existing access and services,
 - (ii) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone, and
 - (iii) the location of the proposed development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
- (b) the results of the Natura Impact Statement, and
- (c) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those set out in the Planning and Environment Considerations Report, Bat Report and Biodiversity Management Plan.



The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that the preparation of an environmental impact assessment report is not, therefore, required.

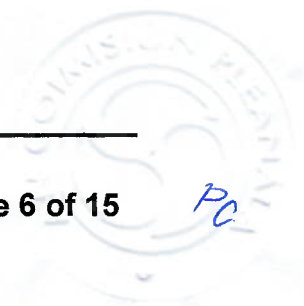
Conditions

1. The proposed 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 29th day of October, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order. All quarrying and ancillary activities shall cease, and all ancillary infrastructure shall be removed prior to that date, unless permission has been granted for further continued operation.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.



3. 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.

4. The mitigation measures contained in the submitted Planning and Environmental Considerations Report, Biodiversity Management Plan and Construction and Environmental Management Plan shall be implemented in full.

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

5. No extraction of aggregates shall take place below the level of the Winter water table. There shall be no dewatering of groundwater at the site with seasonal changes of groundwaters being taken into account.

Reason: To protect groundwater in the area.

6. There shall be a minimum protective buffer distance of 150 metres between the identified Peregrine nest ledge and any locations where blasting is to be carried out during the bird breeding season.

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

7. The proposed development shall be operated and managed in accordance with an Environmental Management System (EMS) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) A schedule of mitigation and monitoring commitments as outlined in the application documents and including groundwater, surface water flow, noise, ground vibration, and dust deposition levels. The schedule shall specify all monitoring locations, frequency and parameters, unless specified below.
 - (b) A Construction Environmental Management Plan.
 - (c) A Blast Management Plan to include liaison details with local residents and landowners.
 - (d) Details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.
 - (e) Details of an annual environmental audit to be submitted to the planning authority.
 - (f) All environmental monitoring results, including details of any exceedances and measures taken to remedy same as well as details of any liaison with the planning authority in this regard.
 - (g) A topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority and aerial photograph showing all areas excavated and restored.
 - (h) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

- (i) A written record of all vehicular movements from the automated traffic counter required under condition number 11 below.
- (j) A written record of all complaints, including actions taken in response to each complaint.

Reason: In order to safeguard local amenities and environmental receptors.

8. The following emission limit values shall apply, unless otherwise agreed with the planning authority in writing prior to commencement of development:

- (a) The noise levels generated during the operation of the quarry shall not exceed 55 dB(A) Leq, 1hr when measured at the nearest occupied house during permitted operating hours and shall not exceed 45 dB (a) leq 15 mins at any other time. When measuring the specific noise, the time shall be any one-hour period.
- (b) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity shall relate 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 shall be 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 5 dB (Lin).

- (c) 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).

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

9. The developer shall notify the planning authority in writing within two working days of any environmental exceedances of specified thresholds. 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 order to safeguard local amenities and environmental receptors.

10. All surface water shall be managed in accordance with the details submitted with the application with no discharge permitted to watercourses or adjoining land.

Reason: In the interest of clarity and public health.

11. (a) The location, number and construction of all advance warning signs shall be agreed in writing with the planning authority prior to commencement of development.
- (b) Vehicles transporting material to and from the site, and accessing the site, shall use the L4514 running east from the quarry to the R458 only as identified in the application documents.

- (c) The entranceway dwell area for a length of 20 metres, including the junction bellmouth between the site and the public road, shall be surfaced to specifications set out in Transport Infrastructure Ireland (TII) standards Series 900 and shall incorporate a minimum finished flexible road pavement mix (asphaltic tarmacadam), including structural dimensions and proposed road datums inclusive of proposed road make up tie-in details with existing local public road whilst ensuring surface water run-off is disposed of within the site drainage infrastructure and does not enter onto the public road. The above works shall be cleared, graded, levelled, and finished to a standard and specification suitable for use to the satisfaction of the area engineer and to the written agreement of the planning authority prior to commencement of development.
- (d) Quarry traffic movements of existing access shall not exceed the permitted annual generated trips as stated within the Traffic and Transportation Assessment – Traffic Chapter, Trip Generation insofar that the total number of two-way HGV traffic movements serving the site each permitted per annum shall not exceed 5,250 trips/annum.
- (e) Prior to commencement of development, an independent automated traffic counter (ATC) shall be installed at the vehicular entrance and such records shall be made available for viewing in the form of a monitoring report, including all dates of operation which shall be submitted in writing to the planning authority annually.
- (f) Sight distance triangles shall be maintained and kept free from boundary walling, vegetation, or other obstructions that would reduce the minimum visibility required.

- (g) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.

12. (a) The landscaping scheme shown on drawing number Fig 2.00, as received by the planning authority on the 29th day of October, 2025, shall be implemented in full.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) Upon completion of restoration, the developer shall submit to the planning authority for written agreement a digital topographical survey of the final restored contours.

Reason: In the interest of clarity.

13. (a) The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours Mondays to Fridays, inclusive, and between 0700 hours and 1400 hours on Saturdays.

- (b) No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.
- (c) Blasting operations shall take place only between 1000 hours and 1700 hours Mondays to Fridays, inclusive, and shall not take place on Saturdays, Sundays or public holidays, and shall be limited to a maximum of four times per year.
- (d) Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.
- (e) Prior to the firing of any blast, the developer shall give notice of its 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.
- (f) 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 residential amenities of property in the vicinity.

14. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

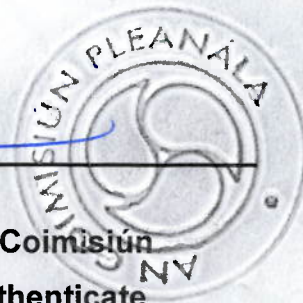
15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Paul Caprani

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



Dated this *29th* day of *April* 2026.