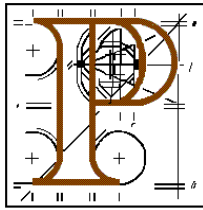


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

An Bord Pleanála Reference Number: 07.QD.0014

Associated Substitute Consent Reference Number: 07.SU.0053

WHEREAS Harrington Concrete and Quarries care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo made an application to An Bord Pleanála on the 15th day of January, 2016, pursuant to section 37L of the Planning and Development Acts, 2000 as amended, to further develop a quarry at Ardgaheen, Claregalway, County Galway including quarrying of 8.9 hectares down to a level of minus 10 Metres OD, extraction of rock primarily by drilling and blasting, processing on occasion using mobile crushing and screening plant and all associated ancillary facilities/works, screening berms and landscaping.

NOW THEREFORE, the Board, in accordance with section 37N of the said Act, and based on the Reasons and Considerations set out below, decided to **REFUSE** permission to further develop the quarry, in accordance with the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Galway County Development Plan 2015-2021,
- (d) the Environmental Impact Statement submitted with the application for further development of the quarry,
- (e) the report and the opinion of the planning authority under section 37L(12)(a),
- (f) the submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (g) the planning history of the site,
- (h) the pattern of development in the area,
- (i) the decision of the Board to grant substitute consent in respect of part of the subject quarry under reference number 07.SU.0053,
- (j) the nature and scale of the development the subject of this application for further development of the quarry, and
- (k) the report of the Board's Inspector, including in relation to potential significant effects on the environment and potential effects on European sites.

Refusal Reason

The Board considered that the Environmental Impact Statement submitted in support of the application failed to adequately identify and describe the impacts of the proposed development on the environment, in particular:

- The assessment of potential impact on the local population (including in terms of noise, dust and traffic) was considered not to be sufficiently comprehensive;
- The proposed extension area contains two non-designated archaeological monuments, the significance of which has not been adequately explored by means of investigation/testing;
- The survey and assessment of ecology was considered deficient in identifying the extent and significance of impacts on flora and fauna on the site and in the vicinity, and mitigation measures;
- The assessment of impacts on groundwater was supported by an expert report that only addressed historical activity (on the substitute consent area) and was not considered to adequately consider the implications of a significant lateral extension of the quarry which is already operating below the water table.

In light of the above deficiencies, the Board was not satisfied that the impacts on the environment of the proposed extension would be acceptable. The proposal to further develop the quarry would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to seek further information in relation to environmental impacts (specifically relating to phasing, noise, dust, traffic and archaeology), the Board considered that, taken together, the several deficits in environmental information as set out in the refusal reason above, did not lend themselves to being addressed by means of a further information request by reason of their complexity and the likely duration required (for further surveying, response to An Bord Pleanála, public participation, and assessment). The Board also gave consideration to granting a permission that would be restricted (by planning condition) in extent and duration, but did not find this approach practicable, noting in particular the proximity of the archaeological features to the current extraction area and the other remaining uncertainties in relation to environmental impact. It was considered that any proposal for further expansion of the quarry should be supported by a more comprehensive Environmental Impact Statement that

addresses the concerns included in the Inspector's report and those underlined by the Board in the refusal reason.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.