



An  
Bord  
Pleanála

## Inspector's Report PL16.246645

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<b>Development</b>	Portal frame building at quarry for storage of aggregate at Ballynacarragh, Kilmaine, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	15/384
<b>Applicant(s)</b>	David Coleman
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Appellant(s)</b>	Margaret Herbert for Ballynacarragh Residents
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August 2016
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site is located in a working quarry in a rural area about 3km west of the small village of Kilmaine to the south of Mayo. The quarry is in the order of 6 hectares and extends in a long deep rectangular form to the southern side of a tertiary road L5659 which connects the N84 (Kilmaine) and the R334 about 4.5km west. The surrounding topography is of a gentle undulating character with the contour levels rising at most to 38m. While the area is predominantly agricultural there is fairly extensive ribbon type residential development along the roads in the vicinity of the site. The nearest dwellings are located in the vicinity of the site entrance.
- 1.2. The quarry is limestone based and has been excavated to varying levels from up to a contour level in the order of 34m OD to a level in the order of 21m OD(as clarified in the attached history file). The deeper level is at the southern end and there are stockpiles of aggregate and most notably a large stock pile of lime in the vicinity of the proposed development site on the quarry floor. The excavated pit area is well set back off the road and is not visible from the entrance
- 1.3. The development site relates to a relatively small portion of the site at less than 900sq.m. at the most southern end of the quarry site where it is on a higher bench and is bound by mature and undisturbed hedgerow on the south and western sides.
- 1.4. During my inspection there was some evidence of ponding on the quarry floor around the stockpile however this followed extreme and sustained rainfall over the previous few days. There were some tyres at the stock pile base which appears to have been used to secure plastic sheeting.
- 1.5. The appendices in the pouch to the front of the file includes maps and photos of the site;

## 2.0 Proposed Development

- 2.1. A shed in the form of a portal frame structure is proposed at the southern end of the quarry site on the quarry floor where it is presently raised above the base level.
- 2.2. The shed will be 27.4m x 24.4m with an eaves height of 6.63m and maximum ridge height of 8.76m. The 24.4m is the reduced length (by 7.28m) in revised plans. The finished floor level is proposed at 28m OD.
- 2.3. It is for the purpose of covering stocks of fine aggregate produced at the quarry so as to keep it in optimum condition in terms of moisture content.
- 2.4. As clarified in further information there will be no wastewater generation nor will there be an increase in traffic as a result of the proposed development. It is not for storage of machinery or office use.
- 2.5. As also clarified in further information, access is via the existing track onto the quarry floor.
- 2.6. In further submissions it is proposed that a condition could be attached tying the life of the shed to that of the quarry. It is stated that it is easily dismantled.

### **3.0 Planning Authority Decision**

- 3.1. The planning authority issued a decision to grant permission subject to 4 conditions relating to clarity of extent, use and finishes of development and a financial contribution.

### **4.0 Planning Authority Reports**

- 4.1. In a request for further information the planning authority sought clarity with respect to: nature of use, drawings and access. Concerns were also raised about the scale of proposal.
- 4.2. The applicant's response clarifies these matters; the store is primarily for the purpose of covering stock piles and the planning authority is satisfied that all matters

are satisfactorily addressed. It is noted that the shed is reduced in size. In light of the nature of the development as clarified in the further information, it is concluded that having regard to the existing quarry and the provisions of the development plan that proposal is acceptable.

## **5.0 Other Technical Reports, consultation responses and observations to PA**

5.1. Area Engineer: No public sewer on site. No comment on application.

5.2. An Taisce: Legal and compliance status of existing quarry operation needs to be assessed. If time limited building needs to be subject to same condition.

5.3. Third Party Observations

- Peter Sweetman: IT is submitted there may be an effect on an SAC therefore an NIS and AA is required
- Margaret Herbert queries nature of use and raises concerns over non-compliance with conditions of existing permission. It is further pointed out that the site is in close proximity to SAC site and no appropriate assessment has been carried out. In a further submission it is considered that The further information did not satisfactory address these issues

## **6.0 Planning History on quarry site**

6.1. An Bord Pleanála Reference PL16. 228880 (attached) refers to a grant of permission for quarry activities on site described as the continued use of an existing quarry and lands for extraction and processing of rock within a 5.6ha site. Processing includes screening and crushing prior to stockpiling for sale off-site. Permission also relates to use of entrance, access road, ancillary store of 14.5sq.m. and stockpiles.

6.2. In this case an EIS was submitted in addition to further information in response to a request by the Board concerning water table level, ground water flow, seasonal variation and highest likely water table level.

- 6.3. In a report submitted by Hydro-G Consultants (dated 7<sup>th</sup> August 2009) it is confirmed that the quarry floor was at least 3m above the ground water.
- 6.4. The Board determined that the continued use of the quarry would have no significant impact on the Clyard Kettle Holes SAC, ground water resources or hydrogeology,
- 6.5. Conditions attached by the Board in its decision are notably specific in respect of the following:
- The restriction of output
  - Requirement for buffers
  - Limits on blasting
  - Restriction of quarry floor depth which not be lower than 21m OD (condition 4)
  - Up to date topographical surveys and aerial photographs of the site at regular intervals (condition 7)

## 7.0 **Development Plan**

- 7.1. Section 57 refers to **Extractive Industries** and states that It is recognised that the location of such industries is dictated by the availability of the resource and hence each application will be determined on its own merits. All proposals for extractive industries must accord with *Quarries and Ancillary Activities Guidelines for Planning Authorities (DoEHLG) 2004*. (par 57.1)
- 7.2. Consideration in assessing quarry development relate to controlling and avoiding adverse impact on adjoining properties and the environment with particular regard to:
- Biodiversity, Flora and Fauna
  - Population and Human Health
  - Water Quality
  - Soil
  - Air and Climatic Factors
  - Material Assets
  - Cultural Heritage
  - Landscape.
- 7.3. Landscape objectives

- It is an objective of the Council that all proposed development shall be considered in the context of the Landscape Appraisal of County Mayo with reference to the four Principal Policy Areas shown on Map 3A Landscape Protection Policy Areas and the Landscape Sensitivity Matrix (Figure 3), provided such policies do not conflict with any specific objectives of this Plan. (LP-02)
- The site is located in Policy Area 4 where on the basis of the Matrix the impacts of extraction industry development though discernible are acceptable subject to good siting and design.

## 8.0 Natural Heritage Designations

- 8.1. There are a number of SACs within 15km of the site and these are listed in the 'Appropriate Assessment' section of this report.

## 9.0 The Appeal

### 9.1. Grounds of Appeal

- Failure to comply with conditions to permission granted under PL228880.
- No appropriate assessment carried out
- Planning permission expires on 21<sup>st</sup> October 2019. Granting permission for a major development is not sustainable development.
- Contravenes condition regarding mitigation and restoration. No update restoration plan has been submitted.
- The proposed development will generate an increase in blasting and processing of material in the quarry associated with the production of lime.
- Blasting will cause cracks in house as has been allegedly the case

### 9.2. First Party Responses

- AA: No impact due to absence of pathway between development proposed and a Natura 2000 site.
- Re permission duration and sustainability: It is a structure that is relatively easily erected and dismantled. Life of building can be tied to life of extraction by condition. The shed for storage of aggregates is universal practice and there can only be environmental benefits

- The proposal does not conflict with conditions of permission and will not have a significant effect on the restoration of the quarry
- The proposal will not increase blasting as this is regulated by condition for extraction previously permitted. The scope of these conditions are clarified.

### 9.3. **Planning Authority Response**

- The proposed development will not result in intensification of quarry activity. It will not be used for machinery or other such storage.
- Non-compliance with conditions can be addressed under the original permission for the quarry.
- Appropriate assessment no considered an issue having regard to the distance of 659m form the SAC site no, 000480 (Clyard Kettle Holes)
- The shed is for storage of material currently provided on site. There will be no increase in quarrying of blasting.
- Having regard to these circumstance and the fact that the shed has been reduced in size the development is considered acceptable.

## 10.0 **Assessment**

### 10.1. **Issues**

10.1.1. I consider the key issues in determining this appeal are as follows:

- Principle of development; conflict with extant permission/ Intensification of quarrying activities
- Visual Impact
- Appropriate Assessment

### 10.2. **Principle of development**

10.2.1. The appellant makes the case that the proposed development should not be permitted as there has been a failure to comply with the conditions of permission for the extant quarry. I note however that the shed is proposed on the quarry floor and in effect in an area where it has been excavated and is permitted to be excavated. It is

proposed to provide cover for stockpiles which also have the benefit of permission. This will protect stockpiles from weather erosion and run-off. Other than the construction of the shed, a relatively straight process in itself, the proposed development will not introduce a new processing element or intensification of quarrying activities - it is, essentially, ancillary to the permitted use. I have examined the history file and conditions and while I have not had sight of the post decision details I do not see how the shed can conflict with adherence to the scope of the permission for the quarry operation. I accept that the shed in the middle of the quarry floor would hinder the restoration of the quarry however this will not be the case given that, firstly, the applicant proposes that the life of the shed be tied in with the quarry operation and secondly that the shed is proposed less than 20m from the southern boundary and at a finished floor level height of 28m OD which is some 7m above the lowest level of the quarry as recorded and conditioned in the history file. The site layout facilitates extensive restoration without removing the shed. At worst there may be some re-ordering of the sequencing of the restoration phase. In the event of grant of permission, the Board could attach a condition requiring a modified restoration plan and phasing programme to take account of the shed and its ultimate removal.

10.2.2. The adherence with conditions of the parent permission is a matter for the enforcement section of the planning authority and I concur with the planning authority in this regard. I do not take the view that the proposed development would hinder the substantial adherence of compliance with conditions of the parent permission and consider that any potential variances in terms of site management can be addressed by condition.

10.2.3. The appellant further makes the case that construction of shed for a quarry for which permission is nearing its duration, (permission expires on 21<sup>st</sup> October 2019) is simply unsustainable. While I accept that a building for a short duration is not



necessarily economical, in this case there are environmental benefits to covering a stockpile of fine material.

10.2.4. With respect to intensification, as the proposal is for storage of aggregate for which extraction and processing is approved and is therefore wholly ancillary in its purpose to the quarry operations and furthermore is not for retailing or other expansion in use I do not accept that the proposed development would result in any intensification of use in terms of quarrying. The appellant is particularly concerned about the impact of blasting on properties in the vicinity. As the development does not involve the increase of output or intensification of blasting and I note the applicant clarification in this regard. I am satisfied that this matter is regulated in the parent permission in terms of blasting control and the more general environmental management conditions. I do not consider therefore that impacts arising from blasting and associated processing of material constitute a reasonable grounds for objection to the proposed shed.

### 10.3. **Visual Impact**

10.3.1. The planning authority in its initial appraisal raised concerns about the scale of the development and, in response, the applicant reduced the footprint with a slight alteration to the roof profile. However, the ridge height remains at 8.76m in height.

10.3.2. While the height and bulk of the premises remains quite large at 669 sq.m.(reduced from 869 sq.m.) its assimilation is aided by; the sunken ground level with a finished floor level of 28m where the surrounding natural terrain is 32-36m, the backdrop of the hedgerow and trees along the field boundaries and perimeter of the quarry site and proximity of shed to same, the setback from the public road and the undulating terrain. This is a reasonable approach in the context of the site located in policy area 4 and criteria for quarrying type proposals as set out in the development plan. However, in the final analysis the shed is ancillary to the quarry activities which has a

limited life. In this context I do not consider objections to its visual impact can be sustained.

#### 10.4. **Appropriate Assessment - screening**

- 10.4.1. The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.
- 10.4.2. The site is located most notably within one kilometre of the SAC site Clyard Kettle-Holes to the north. Other sites in the area include, SAC sites Mocarha Lough, Skealaghan Turlough, Greaghans Turlough, Shrule Turlough, Lough Corrib, Ardkill Turlough, Lough Carra/Lough Mask Complex, Cloughmorne, Kilglassan/Caheravoostia Turlough and Carrowkeel Turlough and all potentially have hydrological links with the site. The SPA sites at Lough Corrib, Lough Carra and Lough Mask can be ruled out due to the remoteness from the development and nature of conservation objectives relating to bird species and the nature of development being low lying and in disturbed ground in a working quarry.
- 10.4.3. In the course of the Board's previous consideration of the continued quarry activities on site, further information was sought in respect of groundwater characteristics of the site. A detailed report was submitted in addition to the EIS by Hydro-G consultants and in this report it is confirmed that the ground water is at least 3m below the lowest point of the quarry floor which was recorded at 21m OD. This was based on 5 boreholes drilled and completed with piezometers. In this report it is concluded that it has been shown that the groundwater conditions beneath the site conform to the understanding of hydrology of the area in that the limestones generally are unproductive and groundwater is confined to a depth greater than 3m beneath the floor area of the excavation. It is further confirmed that flow directions

beneath the quarry floor are away from the SAC 000480 and the ground water bearing zones below the excavated floor are of such a significant depth beneath the mid-point control on the Clyard Kettle-Holes site that these points are not connected in any way that poses a risk from quarrying downgradient locations.

10.4.4. The report also confirms that ground water beneath site is at least 12m below the OPW weir level controlling water outflow from midpoint of Clyard Kettle-Holes and that the quarry is a 'dry quarry' in the vicinity of this SAC in which water levels are now artificially controlled by the OPW. It is accordingly concluded therefore that the continued operation of this quarry is not the driving force in the catchment that has the potential to affect the integrity of the SAC. As the proposal does not involve a change in the quarrying activities permitted it is I consider reasonable to conclude that the conclusions in respect of the potential effect and impact still stand.

10.4.5. The following tables set out; all the SAC sites within a 15km range that may also have the potential to be affected by hydrological implications of the proposed development, and the likely significant effect in view of the particular conservation objectives.

**Table 10-1**

Site	Current Risks	Conservation objective
<p><b>Site Code: 000480 Clyard Kettle and Holes</b> comprises a number of small lakes and turloughs developed between stony hillocks in the jumbled topography of the moraines west of Kilmaine, Co. Mayo. Some of these lakes are connected with each other but others appear to fill and empty by subterranean means. As is often the case with such features, apparently small physical differences have led to wide divergences in the development of vegetation in each basin.</p>	<p>None stated</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b>            3180 Turloughs*            7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*            * denotes a priority habitat</p>

<p><b>SAC site code 001536 Mocarha Lough</b> Comprises a shallow wetland complex situated 8 km east of Cong, in Co. Mayo. It lies in a linear depression in the Carboniferous limestone running north-eastwards from Lough Corrib. The predominant habitat on the site is fen, but areas of dry calcareous grassland, wet grassland and Juniper (<i>Juniperus communis</i>) scrub also occur. Very little open water remains at the site.</p> <p>Mocarha Lough is of considerable conservation significance as it supports one of the largest stands of Great Fen-sedge in the west of Ireland. This habitat is listed on Annex I of the E.U. Habitats Directive with priority status. The presence of areas of heathy calcareous grassland, Juniper scrub and <i>Schoenus</i> fen adds considerably to the importance of the site.</p>	None stated	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae* * denotes a priority habitat</p>
<p><b>SAC site code 000541 Skealaghan Turlough</b> is situated about 5 km from Ballinrobe in Co. Mayo and is one of a group of five turloughs that occupy hollows in rolling countryside. It lies close to the catchment divide between the River Robe (which is 3.2 km away and has been arterially drained) and the Cross River which flows to Lough Corrib.</p>	None stated	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 3180 Turloughs* * denotes a priority habitat</p>
<p><b>SAC 000503 Greaghans Turlough</b> is the most easterly of a group of five turloughs located near to Ballinrobe in Co. Mayo. It has a flattish, oval basin, which is deepest along the northern edge. For the most part it is surrounded by grazing land and is itself moderately grazed, least intensively at the eastern end. Two small clumps of trees occur on spurs on the northern edge. Two streams enter the turlough, one from the north-east which appears to be permanent, and one from the south which is ephemeral. A channel in the north-western corner may represent attempted drainage but it would appear to have had little overall effect on the hydrology of the site.</p>	None stated	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 3180 Turloughs* * denotes a priority habitat</p>

<p><b>SAC site code 00525 Shrule Turlough</b> is orientated east-west in an extensive natural basin surrounded by gently undulating farmland, with slightly higher scrub-covered land to the north. Around the edges of the turlough there are scattered boulders and some limestone outcrops. It is found just north-west of the village of Shrule in Co. Mayo.</p> <p>Shrule Turlough has a high level of physical and vegetation diversity, and supports the second largest number of plant communities of any turlough surveyed</p>	None stated	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 3180 Turloughs* * denotes a priority habitat</p>										
<p><b>SAC Site code 000297 Lough Corrib</b> is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). The lake can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south, and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones to the north. The surrounding lands to the south and east are mostly pastoral farmland, while bog and heath predominate to the west and north. A number of rivers are included within the cSAC as they are important for Atlantic Salmon.</p> <p>Lough Corrib is one the best examples of a large lacustrine catchment system in Ireland, with a range of habitats and species still well represented.</p>	<p>The main threats to the quality of this site are from water polluting activities resulting from intensification of agricultural activities on the eastern side of the lake, uncontrolled discharge of sewage which is causing localised eutrophication of the lake, and housing and boating development, which is causing the loss of native lakeshore vegetation. The raised bog habitats are susceptible to further degradation and drying out due to drainage and peat cutting and, on occasions, burning.</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> 3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (* important orchid sites)* 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)* 7230 Alkaline fens 8240 Limestone pavements* 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91D0 Bog woodland*</p> <p>* denotes a priority habitat</p> <table border="1"> <thead> <tr> <th>Common Name</th> <th>Scientific Name</th> </tr> </thead> <tbody> <tr> <td>1029 Freshwater Pearl Mussel</td> <td><i>Margaritifera margaritifera</i></td> </tr> <tr> <td>1092 White-clawed Crayfish</td> <td><i>Austropotamobius pallipes</i></td> </tr> <tr> <td>1095 Sea Lamprey</td> <td><i>Petromyzon marinus</i></td> </tr> <tr> <td>1096 Brook Lamprey</td> <td><i>Lampetra planeri</i></td> </tr> </tbody> </table>	Common Name	Scientific Name	1029 Freshwater Pearl Mussel	<i>Margaritifera margaritifera</i>	1092 White-clawed Crayfish	<i>Austropotamobius pallipes</i>	1095 Sea Lamprey	<i>Petromyzon marinus</i>	1096 Brook Lamprey	<i>Lampetra planeri</i>
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		1106 Salmon <i>Salmo salar</i> 1303 Lesser <i>Rhinolophus</i> Horseshoe Bat <i>hipposideros</i> 1355 Otter <i>Lutra lutra</i> 1393 Slender Green <i>Drepanocladus</i> Feather-moss <i>vernicosus</i> 1833 Slender Naiad <i>Najas flexilis</i>
<b>SAC Site Code 000461 Ardkill Turlough</b> is situated about 7 km east of Ballinrobe in Co. Mayo, and is one of a group of five turloughs that occupy hollows in rolling countryside. It is set amongst low limestone knolls with drift around the south and east. Exposed limestone extends out across the northern part forming a central island with low cliffs.	None stated	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: <b>Code Description</b> 3180 Turloughs* * denotes a priority habitat
<b>SAC site Code 001774 Lough Carra/Lough Mask Complex</b>  This site is dominated by two large lakes, Lough Mask and Lough Carra, and includes the smaller Cloon Lough. Most of the site is in Co. Mayo, with a small portion in Co. Galway. On the western side, the site is overlooked by the Partry Mountains, while to the east the landscape is largely low-lying agricultural land. The nearest large town is Ballinrobe which is about 4 km east of Lough Mask. The general geological character of the area is Carboniferous limestones, with some shales and sandstones on the western side of Lough Mask. The underlying geology results in a great diversity of habitats, which support many scarce and rare plants and animals.	None stated	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: <b>Code Description</b> 3110 Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> 3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. 4030 European dry heaths 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco Brometalia</i> ) (* important orchid sites)* 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens 8240 Limestone pavements* 15/08/2016 <b>Generic Conservation Objectives</b> For more information please go to: <a href="http://www.npws.ie/protected-sites/conservation-management-planning">www.npws.ie/protected-sites/conservation-management-planning</a> 2 of 2 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )* * denotes a <b>Common Name</b> <b>Scientific Name</b> priority habitat <b>Code</b> 1303 Lesser <i>Rhinolophus</i> Horseshoe Bat <i>hipposideros</i> 1355 Otter <i>Lutra lutra</i> 1393 Slender Green <i>Drepanocladus</i> Feather-moss <i>vernicosus</i>
<b>SAC Site Code: 000475 : Carrowkeel Turlough</b> Carrowkeel turlough lies between Ballinrobe and Claremorris, Co. Mayo, about 2 km from the Robe River. It is contained within a linear	There is low grazing pressure throughout most of the site, though	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: <b>Code Description</b> 3180 Turloughs*

<p>basin which is orientated north-east to south-west. There are no obvious signs of successful external drainage, though some surplus water may be taken away at the south-west corner.</p> <p>The catchment is very small and therefore the turlough is relatively oligotrophic (nutrient-poor) in character. The range of vegetation types, the presence of some uncommon plant species and the relatively natural state of the turlough itself, makes this site of conservation interest.</p>	<p>some of the fields in the north-east are closely grazed by sheep</p>	<p>* denotes a priority habitat</p>						
<p><b>SAC Site Code: 000504 Kilglassan/ Cahevavoostia Turlough Complex</b> This site is situated about 7 km east of Ballinrobe in Co. Mayo. It comprises two turloughs separated by a rise of land which includes a pond and a small floating fen. The surrounding topography is gently rolling, with limestone outcrop at the northern end of Kilglassan. Both turloughs occupy relatively flat basins that remain wet even in summer and have accumulated peat.</p>		<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 3180 Turloughs* * denotes a priority habitat</p>						
<p><b>SAC Site Code: 002320 Kildun Souterrain</b> lies approximately 2.5 km north-east of Cong in Co. Mayo. It contains an important hibernation site of the Lesser Horseshoe Bat. #situated an area of Hazel and Ash woodland.</p>	<p>reclamation may lead to disturbance of bats. trampling cattle disturbs soil and allows light to enter the roost. This could impact on the microclimate of the souterrain.</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <table border="0"> <thead> <tr> <th>ADD HABITATS Code</th> <th>Common Name</th> <th>Scientific Name</th> </tr> </thead> <tbody> <tr> <td>1303</td> <td>Lesser Horseshoe Bat</td> <td><i>Rhinolophus hipposideros</i></td> </tr> </tbody> </table>	ADD HABITATS Code	Common Name	Scientific Name	1303	Lesser Horseshoe Bat	<i>Rhinolophus hipposideros</i>
ADD HABITATS Code	Common Name	Scientific Name						
1303	Lesser Horseshoe Bat	<i>Rhinolophus hipposideros</i>						
<p><b>Cloughmoyne SAC Site Code: 000479</b> Cloughmoyne is located approximately 5 km north-west of Headford in Co. Mayo. The site lies on the south-west slope of a low limestone ridge and spreads southwards to include a fen and lake. The site is situated in the townland of Ballisnahyny (just west of the Cloughmoyne townland).</p>	<p>Agricultural activities, eg. reclamation of limestone pavement and fertilization, within and adjacent to the site pose main threats</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p><b>Code Description</b> 8240 Limestone pavements*</p>						

**Table 10-2**

<b>Potential likely and significant effects (direct and indirect) on European Sites in context of conservation objectives</b>	<b>Evaluation of potential effects</b>	<b>Determination as to whether or not likely sig effects can be ruled out</b>
The construction works on the quarry floor may have potential to penetrate groundwater.	The floor level is in excess fo 10m above the water table. Therefore, even sites with a potential hydrological link would not be affected by the development. The nearest site no 00480 within 1km range which has habitats of conservation interest has no surface water or ground water links to development site	Yes, due to absence of hydrological link

10.4.6. The impact on the nearest Natura site to the north (Site no. 000480) has been quite thoroughly investigated in the attached history file and the Board has previously concluded that the proposed development would not have a significant effect. In respect of the other sites within a 15km catchment and in particular those with a potential hydrological connection via ground water such as in the case of the Turloughs, I am satisfied that the proposal would not have a direct or indirect impact on the designated sites. This is based on

- firstly, consideration of the nature of the development as proposed which
  - in itself provides a preventative measure against water pollution from run-off and insofar as it provides cover,
  - does not generate wastewater
  - and does not involve storage of machinery,
- and secondly, on the hydrological characteristics of the site and the level of the proposed floor level relative to the water table and the absence of any direct pathway via a watercourse together with the relative separation between the sites.



10.5. It is therefore reasonable to conclude on the basis of the information available including that contained in the attached history file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the sites' conservation objectives. An appropriate assessment (and submission of a NIS) is not therefore required.

#### 11.0 **Recommendation**

11.1. I recommend that planning permission should be granted, subject to conditions based on the reasons and considerations as set out below.

#### 12.0 **Reasons and Considerations**

12.1. Having regard to the ancillary nature of the proposed development to a permitted quarry use and its siting scale and design and to the provisions of the Limerick County Development Plan 2010-2016 it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise contamination of groundwater and would not seriously injure amenities of the area or of property in the vicinity and would respect the existing character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

#### 13.0 **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 18<sup>th</sup> day of March 2016 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 (a) The proposed shed shall only be used for purposes ancillary to the quarry activities as permitted under an Bord Pleanála Reference number PL16.228880 and shall not be used for separate commercial, trade or business purposes.

(b) The proposed shed shall be dismantled and removed from the quarry site on completion of the quarrying activities as approved and not later than 6 years from the date of this permission unless prior permission by the planning authority has been granted for its retention

**Reason:** To clarify to the scope of permission and in the interest of proper planning and sustainable development

3. The hedgerow along the site boundaries shall be retained in its entirety.

**Reason:** In the interests of conservation and visual amenity.

4. The applicant shall submit a modified version where necessary as a consequence of the proposed development, of the final site restoration plan as agreed in accordance with condition 19 of permission granted under an Bord Pleanála Reference P16.228880 (planning authority register reference P07/787).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

5. 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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**Suzanne Kehely**  
**Senior Planning Inspector**

**22nd September 2016**