



An
Bord
Pleanála

Inspector's Report PL07.247994

Development	Stone & Soil Waste Recovery Facility
Location	Cregboy, Claregalway, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/335
Applicant(s)	Roadstone Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Roadstone Ltd
Observer(s)	None
Date of Site Inspection	18 th of April 2017
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The site is located on the western side of the National Primary Route N18 in the townland of Cregboy. It is approximately 1.5km south of Claregalway town centre, 9.5kms north-east of Galway city centre and 6km north of Oranmore town centre. There is a gated access road to the backland quarry site from the N18. The front section of which is paved. There are a number of works associated buildings to the east of the site and the former quarry concerns an excavation on the western part of the site.
- 1.2. The limestone rock quarry excavation appears to have ceased for some time. The worked out quarry is relatively deep, and the water table has not been breached. There is gated access to the quarry void and there is a post and wire type fence around the excavation, which does not appear very secure. There are also a few warning signs regarding deep excavation. The area of the site to the south and east of the quarry excavation, is vegetated. There is also some screen planting along the northern and eastern site boundaries.
- 1.3. The area is agricultural and rural in a low lying landscape and there are a number of ribbon houses in the vicinity with frontage onto the N18, including a single storey dwelling adjoining to the north of the site entrance. The site is bound by light industrial (mechanical workshop) enterprises immediately to the east, with private residential housing and the N18 further east. There are agricultural lands to the south of the site and an area of limestone outcrop to the north and west.
- 1.4. The access to the N18 is splayed to the south. This is a fast heavily trafficked road. There is a hard shoulder on either side and a broken white line down the middle. The 100kmph speed limit applies. Visibility in either direction from the access is moderate being partly restricted by roadside vegetation and a crest in the road to the south. I noted on my site visit that in view of volume and speed of traffic that it was difficult to cross the road.

2.0 Proposed Development

- 2.1.1. Roadstone Ltd. have applied for permission for the following works on this former (worked out hard rock quarry and concrete production facility) quarry:

- The development comprises establishment and operation of a waste recovery facility which provides for the importation and re-use of naturally occurring inert soil and stone backfill and to remediate a former quarry void on a 3.1 hectare site.
- Provision for temporary infrastructure including a site office, weighbridge, wheelwash, concrete slab for refuelling and a waste inspection/quarantine shed.

The application form describes the facility as an 'Inert soil and stone waste recovery facility' and provides that the g.f.a of the proposed buildings is 73sq.m. It also provides that having regard to surface water disposal, that there is no run-off and diffuse input to underlying rock. A Portaloo is to be provided on site.

2.1.2. SLR Consulting has submitted the application on behalf of the applicant. They have included the following:

- Planning Statement and Environmental Report.
- EIA Screening Report.
- Natura Impact Statement Stage 1 Screening Assessment.
- Plans and Drawings showing the site and the existing and proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council refused permission for the proposed development on the 18th of January 2017, for the following reason:

Having regard to the nature of the development proposed (inert soil waste recovery facility) and the problems outlined in the Road Safety Audit submitted on the 13th December 2016, it is considered that the restricted sight distances at the entrance together with the additional traffic and turning movements generated by the proposed development, along the National primary Route N18 would endanger public safety by reason of traffic hazard and obstruction of road users on this route and would be prejudicial to the safety of road users at this location. Furthermore, the

proposed development would be contrary to Objective TI6 and DM Standard 19 of the 2015-2021 Galway County Development Plan. Therefore, to grant the proposed development would create a serious traffic hazard to road users, would contravene the provision of the County Development Plan and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site and proposed development, to the planning history and policy and to the submissions made. The PA have serious reservations with respect to traffic issues at this location. They also noted that issues with respect to noise and dust need further examination. They requested Further Information to include the following:

- A Road Safety Audit be submitted in accordance with the NRA DMRB, a Traffic Impact Assessment and an auto track analysis for consideration by the PA. The applicant was also requested to show the site distance available at the existing entrance noting the standards for National Routes outlined in the DM Standards of the current CDP 2015-2021.
- They requested details with respect to the noise, dust and vibrations as a result of the proposed development. Also that studies be carried out at various locations with respect to noise noting the large nos. of residential properties in the vicinity.
- That details of boundary treatment for the proposal should also be provided.

3.2.2. Further Information Response

SLR Consulting has submitted a response on behalf of the applicant which includes the following:

- A Traffic Impact Assessment Report prepared by ILTP Consulting.
- An AutoTURN movement assessment, which indicates that the proposed site layout can accommodate HGV trucks turning in and out of the proposed recovery facility.

- A Road Safety Audit Report prepared by Roadplan Consulting Ltd.
- A Noise Impact Assessment Report.
- An Air Quality Impact Assessment.
- Details of existing and proposed boundary treatment.

3.2.3. Planner's Response

The Planner had regard to the F.I submitted. They noted the concerns regarding the access having inadequate sightlines on the N18 and were concerned that notwithstanding the information submitted including the RSA that the issues with respect to traffic are difficult and it may not be possible to overcome these issues. They noted the TII and Council's Roads and Transport concerns that the development would affect the operation and safety of the national road network and recommended refusal.

3.3. **Other Technical Reports**

3.3.1. Roads and Transportation Unit of the Council

They recommend refusal for the following reason: *The development will adversely affect the operation and safety of the national road network.*

3.4. **Prescribed Bodies**

3.4.1. Transport Infrastructure Ireland

They consider that the proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) as the proposed development by itself or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network. They provide a detailed reason relative to this.

3.5. **Third Party Observations**

- 3.5.1. These have been received from local residents, including a petition from those within 500m of the site and concerns include the following:

- The site is on top of a hill and there will be an adverse impact on visual amenity and the local environment.
- Operations - Concerns about washing of any inert material on site, adjacent to such a residential area.
- Devaluation of adjacent residential properties by this commercial development.
- Impact on groundwater and the 'regionally important karstified aquifer'.
- An EIS should have been submitted.
- Health and Safety concerns relative to impact on local residents, including relative to noise, dust, air pollution, traffic movements etc.
- Proximity to the secondary school within 700m of the site.
- Entrance – Traffic Safety issues regarding the use of the access onto the N18 with restricted sightlines.
- Impact of additional volume of traffic including vehicular movements and turning movements of HGV's etc on the busy road network.
- They query the need for the Development as Roadstone have a premises in Galway to carry out such works.

4.0 Planning History

4.1.1. The Planning Statement and Environmental Report submitted with the application has regard to the planning history of the site. This includes note that the following permissions were granted in the late 1970's and early to mid-80's (note the then applicant was Richard Byrne):

- Reg.Ref.23352 – Permission granted (March 1977) by the Council for a Concrete and Quarry Plan on the subject site.
- Reg.Ref.24796 – Permission granted by the Council for the Construction of road from existing lay-by to quarry. This was subsequently refused by ABP due to reasons relating to traffic.

- Reg.Ref.25980 – Permission granted by the Council for a Garage. This was subsequently refused by ABP.
- Reg.Ref.47079 – Permission granted by the Council and subsequently granted on appeal to ABP (Ref.PL7/5/66199 relates) for Retention of garage offices and roadway to the quarry. This related to permission for the access road to the quarry. A copy of the Board's decision is included in the Appendix.

5.0 Policy Context

5.1. Galway County Development Plan 2015-2021(as varied)

This is the pertinent Plan and provides a number of relevant policies and objectives.

Roads and Transport Infrastructure

Section 5.3 deals with Transport Infrastructure – Road and Transportation Networks. This includes regard to Strategic Routes: Motorway, National Primary and National Secondary Roads.

Section 5.4 provides the Road and Transportation Policies and Objectives. This includes: Policy TI 7 – Protection of National Road Network which seeks to:

Protect the motorway and national road network and national road junctions in line with Government policies. Safeguard the carrying capacity, operational efficiency, safety and significant investment made in the motorway and national road network within the County including the M6 Dublin to Galway Motorway, the M18 Gort to Crusheen Motorway and the M17/M18 Galway to Tuam when completed.

Objective TI 6 – Protection of National Routes and Strategically Important Regional Road Networks. *It is an objective of the Council to protect the capacity and safety of the National Road Network and Strategically Important Regional Road network (listed in DM Standard 19) in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (2012). Galway County Council will not normally permit development proposals for future development that include direct access or intensification of traffic from existing accesses onto any national primary or secondary road outside of the 50-60 kph speed limit zone of towns and villages.*

Policy TI 6 – Protection of Strategic Transportation Infrastructure i.e: *Seek to protect and safeguard the significant investment made in strategic transportation infrastructure, in particular the network of national roads, the existing rail lines and the Western Rail Corridor.*

Objective TI 10 – Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA) - *Require all proposed new significant development proposals to be accompanied by a TTA and RSA, carried out by suitably competent consultants, which are assessed in association with their cumulative impact with neighbouring developments on the road network, in accordance with the requirements contained within the NRA's Traffic and Transport Assessment Guidelines, having regard and with respect to RSA in NRA DMRB HD19/12 Road Safety Audit (including any updated superseding document).*

Quarries

Section 6.20 refers to Mineral Extraction and Quarries and recognises the importance of such resources as a significant economic asset within the County. This includes: *Extractive industries can also give rise to detrimental environmental and residential amenity effects including increased traffic, dust, noise, water pollution, visual intrusion and the effects on local road networks may also be significant. Also: In considering development applications relating to existing or proposed quarries, the Council will take full account of the following DECLG guidelines Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004 (including any updated/superseding document) and have regard to the protection of residential and natural amenities, the prevention of pollution and the safeguarding of aquifers and groundwater.*

Policy EQ1 refers to Environmental Management Practice i.e: *Have regard to evolving best environmental management practice as set out in Environmental Protection Agency (EPA) Guidelines Environmental Management in the Extractive Industry: Non Scheduled Minerals and to the recommendations of the EU guidance document Undertaking Non-Energy Extractive Activities in Accordance with Natura 2000 Requirements.*

Objective EQ1 – Protection of Natural Assets i.e.: *Protect areas of geomorphological interest, groundwater and important aquifers, important archaeological*

features Natural Heritage Areas and European Sites from inappropriate development.

Objective EQ3 – The Sustainable Reuse of Quarries i.e: *Encourage the use of quarries and pits for sustainable management of post recovery stage construction and demolition waste, as an alternative to using agricultural land, subject to normal planning and environmental considerations.*

Natural Heritage

Section 9.1 refers to the protection of Natural Heritage and Biodiversity Policies and Objectives. Policy NHB 1 relates. Policy NHB 4 refers to the Protection of Water Resources.

Section 9.11 refers to Landscape Conservation and Management Policies and Objectives. Objective LCM 1 refers to Landscape Sensitivity Classification. LCM 2 refers to Landscape Sensitivity Ratings. The site is located in an area designated as Landscape Sensitivity Class 1 (where Class 1 is the least sensitive and Class 5 the most sensitive).

Development Management

DM Standard 19 – Access to National and Other Restricted Roads for Commercial & Other Development.

DM Standard 20 – Sight distances Required for Access onto National, Regional & Local Roads.

DM Standard 22 provides the Parking Standards.

DM Standard 24 – Traffic Impact Assessment, Traffic & Transportation Assessment, Road Safety Audit & Noise Assessment.

DM Standard 37 - Extractive Development. This includes regard to access to and rehabilitation of quarries.

DM Standard 38 – Construction and Demolition Waste.

DM Standard 39 – Compliance with Landscape Sensitivity Designations.

DM Standard 40 – Environmental Assessments. This includes regard to AA, Ecological Assessment and EIA.

DM Standard 41 – Field Patterns, Stone Walls, Trees and Hedgerows.

5.2. **Spatial Planning and National Roads Guidelines for Planning Authorities 2012**

The Minister for the Environment, Community and Local Government has issued these guidelines under section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines in the performance of their functions under the Planning Acts. The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages.

Section 1.4 refers to need to ensure the strategic traffic function of national road network is maintained and Section 1.5 provides that proper planning is central to ensuring road safety.

Section 2.5 provides the following policy approach for ‘Lands adjoining National Roads’ to which speed limits greater than 60 kmh apply: *The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

Section 2.6 provides the criteria for Exceptional Circumstances and it is not considered that the proposed development onto this busy stretch of the N18 with would comply with these categories.

Section 2.12 provides for compliance with the Development Management Standards and this includes regard to traffic and transport assessments.

Chapter 3 relates to the Development Management of Roads and notes that this is the Key to Plan Implementation. Section 3.4 refers to Traffic and Transport Assessment and Section-3.6 refers to Road Safety Audits for a new or significant changes to an existing access.

Chapter 4 concerns Implementation of these guidelines including by ABP.

5.3. **Waste Framework Directive 2008 (2008/98/EC)**

The WFD provides the overall structure for an effective and safe waste management regime in Europe and was transposed into Irish law in 2011. The Directive describes the basic concepts and definitions related to waste management, such as the definition of waste, recycling and recovery. The Directive requires Members States to adopt waste management plans and waste prevention programmes.

5.4. **Connaught Ulster Region Waste Management Plan (2015-2021)**

The Waste Management Plan for the Connacht Ulster Region is the framework for the prevention and management of wastes in a safe and sustainable manner. This provides that the Region will implement EU and national waste and environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes. Also that the Region will promote sustainable waste management treatment in keeping with the waste hierarchy and the move towards a circular economy and greater self-sufficiency. It seeks to protect and reduce the impact on the Environment in particular Natura 2000 sites and human health from the adverse impact of waste generated. The major streams managed in the region are household wastes, commercial wastes, construction wastes and industrial wastes. It includes details of Targets (some of which are Mandatory) over the Plan period.

Section 3.1.5 relates to European Framework Policy and notes that: *The focus is on turning waste into a resource with more prevention, reuse and recycling initiatives, and phasing out wasteful and damaging practices such as landfilling.*

Policy A1 seeks: *To take measures to ensure the best overall environmental outcome by applying the waste hierarchy to the management of waste streams.*

Section 3.3. refers to Waste Stream Legislation and Policy and includes regard to targets relative to Construction and Demolition Waste and the importance of managing these streams.

Section 7.2.3 refers to the need to meet targets for C&D waste.

Section 11.2.2 refers to Management of C&D waste within the Region.

Section 11.2.4 refers to C&D Waste Data and Classification and 11.2.5 to Future Activities.

Section 16.4.4 notes Recovery – Backfilling activities (of inert waste), make up significant treatment capacity in the region at present. Local authority and EPA authorised sites have a combined capacity of over 1.6 million tonnes. The former have a shorter lifespan than EPA licensed sites and operations often cease at these sites within the life of the permit i.e five years. The following policies are of note:

E13 Future authorisations by the local authorities, the EPA and ABP must take account of the scale and availability of existing back filling capacity.

E14 The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for large restoration sites ahead of smaller scale sites with shorter life spaces.

The Plan provides that in the face of increased demand for backfilling authorisations there is a need for better coordination between local authorities in the region. This is to ensure that facilities are planned and developed at suitable sites and do not present a risk to European designated sites and existing biodiversity and habitats. It recommends that the lead authority liaise with the relevant stakeholders (including the EPA and the DAHG) to ensure appropriate measures are in place for the control and spread of invasive alien species at backfilling sites in the region where necessary.

Policy E19 is also of note: *The waste plan supports the development of indigenous reprocessing and recycling capacity for the treatment of non-hazardous and hazardous wastes where technically, economically and environmentally practicable. The relevant environmental protection criteria for the planning and development of such activities need to be applied.*

Annual Report 2016 – Year I Connacht Ulster Region Waste Management Plan 2015-2021

This includes regard to Challenges and notes the need to avoid contamination. *Contamination levels are increasing and this trend must be reversed in order to achieve the Plan target of 50% recycling.*

It seeks to co-ordinate the activities of the regions and work with relevant stakeholders to ensure the effective implementation of objectives. It provides that The Region will promote sustainable waste management treatment in keeping with the waste hierarchy.

The following is noted: *Construction & Demolition (C&D) waste generation is anticipated to increase considerably in the coming years. The three Waste Regions have commissioned a study to analyse the current status and future need for C&D waste facilities. There is currently only one licenced site for soil and stone recovery in the Connacht Ulster Region while there are a number of facilities with waste facility permits or certificates of registration. Certain areas of the region need to be served more adequately, such as large urban centres. Because of its high volume and mass, it is not feasible to transport C&D waste through long distances.*

Also: *The Region will implement a consistent and co-ordinated system for the regulation and enforcement of waste activities in co-operation with other environmental regulators and enforcement bodies.*

In this respect it notes that the three waste regions are currently developing standard conditions for waste facility permit authorisations.

5.5. The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004).

This offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. The method of extraction, together with proposed restoration schemes, where properly planned and implemented, can minimise potential adverse impacts.

Section 3.5 refers to Natural heritage and includes: *Quarry restoration can not only replace, but may even add to, the diversity of plants and wildlife. There are many options for restoration that enable land to be returned to an attractive and useful form. Site-specific restoration options should be evaluated as part of a site restoration plan.*

Section 3.6 refers to Restoration and Landscaping and provides: *All proposed extractive development proposals must be accompanied by detailed restoration and after-care plans.*

Section 3.7 has regard to Traffic impact and specifies best practice/possible mitigation practices.

Section 3.9 includes: *Quarries should consider using inert C and D waste arisings, which do not have the potential to displace natural aggregates, for reinstatement and restoration purposes on the quarry site. Production residues may be useful for backfilling pits and quarries.*

5.6. Natural Heritage Designations

The closest Natura 2000 site is Lough Corrib SAC which is c.1.5kms from the site. Regard is had to this issue and relative to screening for AA in the Assessment below.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. SLR Consulting have submitted a First Party Appeal on behalf of Roadstone Ltd. This refers to details of the planning proposal and Roadstone's grounds for appealing the Council's decision to refuse permission include the following:

Access/Traffic issues

- They consider that the Council's traffic concerns are misplaced and that they have failed to give due consideration to potential mitigating factors and/or measures which could have been implemented to address the Council's concerns and /or reduce any perceived risks.
- They include a copy of a Traffic Report prepared by ILTP Consulting (Attachment A) to address the Council's grounds for refusal on access or traffic safety grounds.
- Roadstone considers that it would be entirely feasible for it to operate the proposed soil recovery facility with restricted (seasonal/daylight) opening

hours. They provide that this has operated at such facilities elsewhere in the country and that a more in depth assessment of this proposal which they consider would improve visibility is needed.

Need for the Development

- The increase in construction activity in the county has resulted in the generation of increased quantities of various construction and demolition waste streams including inert soil and stone.
- They note the looming shortage of C&D waste recovery capacity nationally especially in the Greater Dublin Area. There is also a reduction in the number of active landfill facilities and a reduction in the volume of municipal waste intake requiring daily cover at those facilities, two factors which arise as a direct consequence of implementing the requirement of the EU Landfill Directive.
- They have regard to the Connaught Ulster Region Waste Management Plan (2015-2021) which address 'priority waste' streams including construction and demolition waste.
- They note the Council's Objective EQ3 seeks to promote the sustainable reuse of quarries.
- The proposed infilling and restoration of the quarry void at Cregboy is clearly consistent with (a) policy goals for C&D waste management set out in the current waste management plan for the Connaught Ulster Region and (b) with objectives set out in the current Galway County Development Plan.
- It must be recognised that the recovery of inert soil and stone at worked out quarries is restricted to where such quarries are located. In view of the historical context it may not be always possible or feasible to achieve full technical compliance with modern design standards.
- In many instances a balance needs to be struck between various planning and policy objectives if former quarries are to be made available for recovery of inert soil and stone to facilitate waste policy implementation.
- They outline the need for C&D waste facilities and note on-going projects including relative to roads within the county. Many of the existing facilities

have expired and there could be a shortage of recovery capacity for inert soil and stone generated by increased construction activity within the county.

- Roadstone submitted this application in 2016 to pre-empt and address a looming shortage in recovery capacity for inert soil and stone generated by construction activity in and around Galway City in the years ahead.
- They note that this quarry is served by an established and pre-approved access. HGV movement patterns in and out of the location had previously been established by quarrying activities at this site. They consider it will be sustainable development that will not impact adversely on the environment.
- They consider that in these circumstances the recent decision of the Council should be reviewed and overturned by ABP.

6.2. Planning Authority Response

- 6.2.1. A letter has been submitted from Galway County Council to confirm that this site was reviewed under Section 261(A) of the Planning and Development Act 2000. The Planner's Assessment from 2012 is included.

6.3. Observations

- 6.3.1. An Taisce consider that the refusal reason by Galway County Council on road access should be upheld. They are concerned that there are additional considerations on ground water vulnerability due to the proximity to Kiltullagh Turlough (pNHA).

6.4. Further Responses - Transport Infrastructure Ireland (TII)

- 6.4.1. There have been two subsequent responses from the Transport Infrastructure Ireland (TII). This had regard to the Council's reason for refusal and considers that there is a requirement to assess and consider the subject application in the context of the DoECLG Spatial Planning and National Roads Guidelines. They initially had regard to the incomplete Road Safety Audit and considered it is unclear, having regard to the decision of the Council and the available information, that the proposed

development would not adversely affect the operation and safety of the adjoining national road network.

- 6.4.2. Subsequent to this response the Board issued a Section 132 Notice of the Planning and Development Act 2000 to the TII, enclosing a copy of the full 'Stage 1 Road Safety Audit' submitted to the planning authority on the 13th of December 2016. The TII responded saying that they have no record of consultation on the further information. Having reviewed a copy of the RSA that was sent to them of the 15th of May, the Authority confirms that there are no specific issues to raise from a TII perspective. They provide that notwithstanding this they have regard to the Council's reason for refusal and refer to the provisions of the DoECLG Spatial Planning and National Roads Guidelines and the key principles outlined that guided the development of the guidelines, and the requirement to assess and consider the application in the context of these guidelines.

7.0 Assessment

7.1. Background to the Site

- 7.1.1. The Planning Statement submitted with the application provides that the quarry at Cregboy was originally developed in the late 1970's by Richard Byrne. It is provided that excavation and blasting of rock was undertaken continuously at the quarry up to the late 1980's. Roadstone purchased the quarry in 1987 and they have not undertaken any extraction activities at the site since it was purchased. The application site is located within a former non-operational limestone quarry that was active from the late 1970's until the late 1980's.
- 7.1.2. Details relative to the history of the operations of the quarry in the 1970's and 1980's are given in the Planning History Section of the Report. This notes that extraction operations ceased at the site in the late 1980's, the quarry was not registered with the Local Authority in 2005 in accordance with the provisions of Section 261 of the Planning and Development Act. A review of the planning status of the quarry was undertaken by the Council in 2012, in accordance with the requirements of the amending Section 261A legislation, and this determined that no further action was

required of Roadstone Ltd to achieve compliance with these Directives relative to the control and operation of quarries.

- 7.1.3. It is provided that the application site is entirely under the freehold ownership of Roadstone Ltd. It covers an area of 3.09ha and forms part of a larger 6.7ha landholding. It is located within a relatively flat, low lying rural landscape. Original ground levels around the quarry are typically 34m OD, while the former limestone quarry floor extends to approximately 21m OD. The quarry is redundant and no operations are currently taking place.

7.2. **Regard to the Need for the Proposed Development**

- 7.2.1. The Planning Statement and Environmental Report submitted by SLR Consulting with the application outlines the need for the proposed development relative to management of construction and demolition waste. The proposed development provides for the restoration of a redundant quarry site. Permission is sought to recover soil and stone waste at a 3.1ha site within its existing landholding at Cregboy, Claregalway. This is to provide for the importation of inert soil from the construction and demolition sites around the Galway area and to restore this minor worked out quarry at Cregboy. The materials to be imported for recovery at this facility are to be sourced from construction sites where inspection and/or testing has indicated that no contamination is present in naturally occurring soil and stones. The waste materials are to be imported by permitted waste contractors.
- 7.2.2. It is of note that this application seeks planning permission for the importation of up to 95,000 tonnes of inert soils, stone for use in the quarry restoration. The proposal also include any other infrastructure required i.e. temporary office, weighbridge, wheel wash, waste inspection and quarantine shed and concrete hardstand area. Section 3.2 of the Natura Impact Statement provides that it is expected that the soil recovery facility would remain in operation for up to 6 years assuming an annual average soil/stone intake of between 15,000 and 20,000 tonnes, up to a maximum of 24,500 tonnes p.a.
- 7.2.3. It is provided that the restoration of the previously worked quarry within the Roadstone landholding at Cregboy is considered to be desirable as it will reduce the overall development footprint of the quarry and facilitate the return of the site to long-

term agricultural use. While the application site extends to a total area of 3.09ha, the active backfilling and waste recovery covers just 1.1ha. Therefore, the site is of relatively small size and scale for a stone extraction/waste related facility.

- 7.2.4. It is currently envisaged that the soil recovery facility at Cregboy would operate as a satellite operation to Roadstone's existing Twomileditch Quarry, with personnel based at Twomileditch attending to the waste recovery activities as required. In this respect it is noted that Roadstone's quarry at Twomileditch is located approx.4km to the southwest of its site at Cregboy and can be accessed via the N18/N17 junction in Claregalway.
- 7.2.5. It is provided that the quarry is served by an established previously approved access which leads directly onto the high quality, high capacity national road network around Galway City (the N18 National Primary Road and the N6 Motorway approx. 3.9km further south) and as such should be well placed (relative to other potential locations to accept and recover C&D waste generated by construction activity in and around Galway City).
- 7.2.6. The First Party Appeal reiterates the need for the proposed development. This notes that in recent years, particularly since 2014, there has been a significant upswing in the level of construction activity in and around Galway City Area, albeit from a relatively low base. This increase has resulted in the generation of increased quantities of various construction and demolition (C&D) waste streams including inert soil and stone. Roadstone provides that there is a particular need for such a facility and has regard to National Waste Policy. This places a strong emphasis on significantly reducing landfilling/disposal of various C&D waste streams and on maximising the re-use and/or recycling of such wastes in order to increase stability.
- 7.2.7. Regard is had to the Connaught Ulster Region Waste Management Plan (2015-2021). Section 7.2.3 refers to C&D Waste. This includes: *As the construction sector begins to recover in the region it is imperative that C&D plans for developments in excess of the specified thresholds are put in place and enforced.* The First Party considers that the proposed infilling and restoration of the quarry void at Cregboy is clearly consistent (a) with policy goals for C&D waste management set out in the current waste management plan for the Connaught Ulster Region and (b) with the objectives set out in the current Galway County Development Plan.

- 7.2.8. However, it is realised that from a policy implementation perspective the recovery of inert soil and stone at worked out quarries is restricted to where such quarries are located. In this respect Policies E13 and E14 of Section 16.4.4 of the Connaught Ulster Region Waste Management Plan (2015-2021) referred to in the Policy Section above are of note as they relate to a co-ordinated approach to take account of the scale and the availability of existing back filling capacity within the region and state a preference for larger restoration sites ahead of smaller scale sites with shorter life spans. The proposal is for a temporary period of 6 years and will involve the managed restoration of a former quarry as a stone and soil recovery facility.
- 7.2.9. While it is considered that the principle of the proposed development has been established, it is considered that a site specific need has not been established particularly on what is a smaller scale restoration site. It is also not known how the establishment of this short term facility fits into the larger strategy for the disposal of C&D waste throughout the County. In this respect it is considered that insufficient information has been submitted.
- 7.2.10. There is a need to ensure that the proposal would comply with the principle of the Sustainable Reuse of Quarries. As put forward in Objective EQ3 of the development plan it needs to be assessed in the context that the proposal is also *subject to normal planning and environmental considerations*. This would include having regard to the locational context, impact on the environment and relative to the suitability of the access and impact on the proximate road network. These issues are discussed further in the context of this assessment below.

7.3. Regard to Proposed Operations

- 7.3.1. The Planning and Environmental Report provides that minimal site development works, comprising construction of a concrete hardstand for refuelling and installation/set-up of a temporary portacabin office, portaloo, weighbridge and wheelwash are required for the proposed recovery facility. No earthworks, site levelling or ground preparation will be required to facilitate the temporary installation of such. Plans and cross-sections showing the extent of the proposed development at the application site are provided in Figures 4 and 5 respectively. Regard is also had to the plans submitted including the Site Layout Plan which shows the location of the proposed wheelwash, weighbridge/office, concrete paved refuelling area, site

office canteen – portacabin, portaloo and inspection shed. These are all to be located to the south and south east of the quarry area. There is an existing ESB substation located on the eastern part of the Roadstone landholding.

- 7.3.2. The Site Layout Plan shows the stock proof fence around the perimeter of the quarry. Much of the property boundary is delineated and secured by hedgerows and/or post and wire fencing. A short section of the shared boundary between the application site and the adjoining light enterprises is to be secured by palisade fencing. The F.I submitted considers that there is no requirement to reinforce or alter existing boundaries. It is provided that if the proposed development proceeds, it is proposed to construct a 1.8m high IBEX fence from the block wall along the eastern boundary to the existing ESB sub-station to segregate it from the adjoining light industry development. The line of this fencing is shown on the drawings submitted. In view of the set-back of the site from the road it is not considered that this fencing will have a visual impact outside of the site. It is noted that the quarry void is only protected by post and wire fencing and it is recommended that if the Board decide to permit that a condition regarding secure fencing and boundary treatment be included.
- 7.3.3. Details are given of proposed operational activities, including working hours, waste importation and acceptance, handling of inert soil and waste and waste inspection. This includes measures that will be place to limit, abate and/or minimise deposition of mud on local road by HGV's and other vehicles exiting the waste recovery facility. The EIA Screening Report includes that a covered quarantine area will be provided on the site for the temporary storage of any suspect materials. Temporary haul roads are to be constructed across the infill area using recycled aggregate. A weighbridge and wheelwash facility is to be installed and a concrete pavement constructed on site at the refuelling area to prevent any accidental fuel spillages from seeping into the ground. A number of measures are to be incorporated in the development proposal to minimise uncontrolled release of polluting materials or liquids/liquors to ground and details are given of these. Regard is had to Quality Control and Emergency Spill Procedures. A copy of the Applicant's Emergency Spill Procedure is provided in Appendix A.
- 7.3.4. It is noted that the proposed waste facility at Cregboy will principally recover inert soil and stone. Minor quantities of recycled aggregate are to be imported as necessary to

construct haul roads/provide handstanding areas. Details are given of proposed waste inspection and records are to be kept. It is provided that only materials carried by a number of approved waste collectors will be accepted at the proposed recovery facility operating under a strictly enforced approval and permit system.

- 7.3.5. It is provided that the recovery of imported inert soil and stone through deposition on land will progress as materials are imported to the site. As this activity progresses and ground is progressively raised to the proposed final level, it will be contoured and top soiled separately at the waste recovery facility, pending phased placement as cover to nutrient poor subsoils. Regard is had to proposed site restoration and decommissioning section below.

7.4. **Access issues**

- 7.4.1. The site is accessed via a short length (approx.200m) of existing private access road that leads off the existing N18 National Primary Road which runs to the east of the site. It is provided that within Roadstone's property holding, HGV traffic movements to and from the quarry void and proposed infill area will travel over a section of existing paved road which runs c.140m west from the site entrance at the N18. The remaining length of access road to the proposed infill area is unpaved. It is noted that the existing access road provides the only direct access to the application site and is via security gates. Gates at the proposed facility are to be closed at all times outside the permitted working hours. Car parking for Roadstone supervisory staff and visitors is currently provided on an unpaved area to the east of the quarry void.
- 7.4.2. There are two light industrial businesses located immediately east of and adjacent to the application site, both metal/mechanical workshops. These businesses are small local enterprises that share, and have a right of way, over the access road leading to the application site. The TIA notes that these appear to generate very little traffic movements. They did not appear operational on the day of the site visit.
- 7.4.3. It is noted that the access and access route to the quarry site is existing and that retention of this was granted by the Board in 1985 when quarry operations were taking place (as referred to in the history section above Ref.7/5/66199 refers). In response to the Council's F.I request a Traffic Impact Assessment Report was submitted. The TIA provides that the development proposes to use the existing

purpose built priority junction access onto the N18. This notes that any upgrades to the adjacent road (N18) that may have occurred since the Board's decision in 1985 would be required to have regard to the existing access and ongoing operations on the subject lands. However, it is noted that having regard to the planning history section above and having viewed the site, there have not been ongoing operations on the subject lands for a considerable period of time.

7.4.4. The TIA has regard in Section 3 to the Existing Traffic Situation. This notes that the characteristics of the existing access road which include that it is approx. 6.8m wide, the junction mouth is wide enough to accommodate the turning of HGVs, the first 140m of the access road to the application site is paved with the remaining unpaved, the gates are set back an appropriate distance from the main road.

7.4.5. Section 5.0 of the TIA provides an Access and Movement Analysis. An Operational Analysis was done using AutoTURN Software in response to the Council's F.I. The assessment takes account of vehicular type which for the purpose of soil infill will for the most part be rigid HGV tipper trucks. Figures have been provided showing an assessment to the proposed site relative to access and egress from the north and south of the access with the N18 and an AutoTURN Assessment drawing is included in Appendix B. It is provided that this shows that even rigid trucks can comfortably access and egress the proposed development and remain within the land definitions of the road. Also that the access road to the proposed development is sufficiently wide to ensure that vehicles entering the proposed development, will not be impeded by a vehicle simultaneously exiting the development. They provide that it is clear that the original purpose built access route to the subject site can satisfactorily and safely accommodate the likely traffic generated by the proposed development.

7.5. **Traffic issues**

7.5.1. The Planning and Environmental Report submitted includes details of Traffic Movements. Section 2.2.5 provides that it is currently envisaged that an average of 15,000 to 20,000 tonnes of inert soil will be imported and managed at the proposed recovery facility per annum, increasing to a possible 24,500 tonnes per annum. Assuming a uniform rate of importation over the calendar year, the proposed waste recovery facility would generate up to 6 HGV trips (12 movements in and out of the site) per day. It is provided in Section 4.1 of the TIA that the capacity of the HGVs is

20 tonnes. This assessment conservatively assumes that 24,500 tonnes of inert soil and stone waste are sourced from external development sites in any given year, over 48 working weeks and a 5.5 day working week. The TIA provides that the waste recovery facility will be operational for approx. 11 hours per day with a total of 10 HGV movements per day i.e there will be approx. 1 trip per hour arriving or departing. It is estimated that there will be 1-2 staff on site during operational hours.

- 7.5.2. In total it is estimated that there will be less than 20 movements per day from the proposed development. They note that the results of a PICADY analysis indicates that the access is adequate to accommodate the proposed development. And that additional traffic generated by the proposed development will have no material impact on the capacity or operation of the N18. They also consider that traffic levels on the N18 are likely to fall considerably following the completion and opening of the M17/M18 Tuam to Gort Motorway Scheme in early 2018. It is provided that given this relatively low level of traffic movement, it is considered that the recovery facility will not have any adverse impact on local road or junction capacity or on road safety.
- 7.5.3. The TIA (Section 2.5) notes that the N18 to the right of the current access, towards Oranmore is on a slight vertical crest curve. This reduces forward visibility on this section of the road and on the approach to the access to approx. 170m. However, the central line remains broken which suggests there is adequate overtaking sight distance along this section of the road and there are no ongoing problems with the operation of the existing access to the subject lands or adjacent accesses.
- 7.5.4. The TIA also notes that traffic approaching from the left from Claregalway, which is in itself subject to speed restrictions and traffic calming, is likely to be approaching at lower speeds than the posted 100km/h speed limit. Traffic from the opposite direction approaching from the right of the access is travelling on an unrestricted part of the N18 where the posted speed limit is 100km/h. They contend that traffic approaching from this direction will be aware of the speed restrictions ahead as they approach Claregalway.
- 7.5.5. Therefore, they consider that actual speeds are likely to be below the maximum speed limits on this section of the N18 and include speed survey results in Section 3.3 of the TIA, which provide that the actual speed of the N18 at the survey location is 85km/h or less. While this may be the case, such knowledge of the road and

impending speed restrictions on the route, would be more relevant to local traffic, and it must also be noted that the access to the site is not within the transitional zone or visually proximate to the more restricted urban speed limits for Claregalway. On my site visit I observed that this appeared a fast busy section of road where visibility in the distance appeared somewhat restricted from the access in view of the alignment and crest in the road to the south.

- 7.5.6. Section 5.7 of the TIA has regard to design speed and sightlines, this notes that while the posted speed limit on the N18 is 100km/h it is generally less in this location at approx. 85km/h. Fig. 5.9 notes visibility splays from the existing access. This notes that the results show that there is adequate visibility for traffic exiting the proposed development to get appropriate gaps in traffic to exit the site. Also that vehicles travelling along the N18 will have a clear view of vehicles exiting the proposed development. It is provided that most of the existing accesses along the older national roads would not meet the new design standards. They note that while this may reduce the capacity and level of service on these roads it does not render them unsafe. Furthermore, they note that vehicles travelling along the N18 will also see a HGV entering or leaving the proposed development site due to the vehicle height.

7.6. **Regard to Road Safety Concerns**

- 7.6.1. In response to the Council's FI request a Stage 1 Road Safety Audit has been submitted. This is to examine the road safety implications of the proposed use of the existing access of a disused quarry to serve the inert soil and stone waste recovery facility. The extent of the RSA is the existing access to the application site and the approaches to the access along the N18 route. It is provided that it has been conducted in accordance with the NRA publications entitled 'Road Safety Audit Guidelines NRA HD 19/09'.
- 7.6.2. The RSA results from the Stage 1 Safety Audit includes regard to visibility at the access being partially compromised by foliage in both directions and to the temporary nature of the proposed development. It is noted that this relates to roadside hedgerows outside of the application site and landholding. Also: *Visibility from the site is compromised by the road alignment. The road rising from the site and then falling away over the rise makes it difficult to see on-coming traffic over any*

great distance. This may lead to vehicles emerging from the site unaware on on-coming traffic. This problem maybe compounded during the hours of darkness when only the headlights are visible. During the day vehicle roof lines are visible before lights.

- 7.6.3. They note that the data provided does not show how traffic associated with the proposed development will intensify over the current and previous operational periods of the site. *It is therefore unclear if the intensification of use will materially impact on any pre-existing traffic patterns.* They provide that the design team must confirm if the site has previously operated with a higher background traffic flows than the proposed development. They recommended that a Stage 2 Audit be undertaken at Detailed Design Stage.
- 7.6.4. They recommend that the design team investigate the achievable visibility of the site. The visibility must be appropriate to the speed and volume of traffic utilising both the main carriageway and the site access. It notes that should site conditions not allow an otherwise appropriate level of visibility, measures should be implemented to achieve a speed appropriate to the level of available visibility. The RSA further recommends that site vehicle operations are restricted to daylight hours only outside the normal peak traffic conditions.
- 7.6.5. The Council's Roads and Transportation Unit has regard to the F.I submitted and is concerned that the proposal in the RSA to limit the operation of the development to daylight hours and outside peak traffic would not be enforceable by the developer, considering: *the variation in the quality and extent of daylight due to weather conditions and seasons; the commercial realities of operation the inert soil waste recovery facility would reflect the activity of the construction industry – one that operates outside daylight hours within peak traffic periods.* They recommend refusal in that they consider: *The development will adversely affect the operation and safety of the national road network.*
- 7.6.6. Detailed drawings have been submitted as part of the F.I. This shows new road markings proposed to provide a new stop line and centre line on the access road and new painted 'build out' hatched. These potential upgrades are also shown in Fig. 5.7 of the TIA. It is provided that these markings will improve road safety in that they will alert drivers as to their current stopping position and also improve the safety for

the existing users of the access. The ILTP proposes that an appropriate condition be attached to any grant of permission requiring that the proposed road markings are implemented on the access road. They provide that these would improve the access layout and functioning of the junction for all road users and thus help to improve road safety for existing and future users of the access and N18. The First Party provides that as part of the proposed development no works to the N18 public road are required. The only improvements proposed are road markings within the curtilage of the access.

- 7.6.7. However, regard is had to the Council's reason for refusal. They refer to a number of planning policies which seek to protect the strategic road network (Objective TI6 refers). DM Standard 19 has regard to *National and Other Restricted Roads for Commercial and Other Developments*. This includes relate to a) Class 1 Control Roads: *In general, commercial and industrial development shall be prohibited outside the 50/60kph speed limits of National Routes. Consideration will be given to substantiated cases for extension and intensification of existing establishments and to the provision of park and ride facilities. All existing and proposed National Roads are included under the Class 1 Control Roads designation.*
- 7.6.8. The TII notes the requirement to assess the application under the provisions of the DoECLG Spatial Planning and National Roads Guidelines and that one key principle relates to proper planning being central to ensuring road safety. Section 2.5 of these Guidelines (as noted in the Policy Section above) has regard to Lands adjoining National Roads to which speed limits greater than 60km apply. The subject application site accesses the N18, National Primary Road, at a location on the national road subject to a 100km/h speed limit. The TII response notes: *The Guidelines state that the creation of new accesses to and intensification of existing accesses to national roads give rise to the generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, there is a requirement to guard against the proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 km/h apply as part of the overall effort to reduce road fatalities and injuries.*
- 7.6.9. In the current case the access is existing, but the proposed development would involve an intensification of the use of this access. Section 2.6 allows for Exceptional Circumstances. This would include in circumstances (a list is provided of such)

where the development is deemed to be of National and Regional Strategic Importance. Also a less restrictive approach may in circumstances be applied to Lightly-trafficked Sections of National Secondary Routes. It is not considered that the proposed development would comply with either of these criteria.

7.7. Regard to the First Party response

- 7.7.1. The First Party note that in deciding to refuse permission the Council identified a number of concerns around the proposed site access and potential traffic or road safety issues. The Appellant considers these concerns are misplaced and that the Council failed to give due consideration to potential mitigating factors and/or measures which could have been implemented to address their concerns and/or reduce potential risks. They have included a copy of a report prepared by ILTP Consulting to address the ground of refusal on access or traffic safety grounds. They consider that the grounds for refusal are largely based on a misinterpretation of the RSA process and design requirements for access onto existing roads. They also contend that due regard was not given to the TIA in the Council's Assessment.
- 7.7.2. The Report provides a review of the existing land use and relevant planning history. They provide that the waste recovery facility when open will be fully manned and managed so that all movements in and out of the facility will be fully monitored and documented. Outside opening times these facilities will be locked and secured. Therefore, the opening time of the facility determines when vehicles are allowed to use the facility. They note that Roadstone Ltd has a long history in the successful operation/management of such facilities and that a planning condition can be included that stipulates particular operating hours. In this respect the Council considered that there would be difficulties in enforcing such a condition particularly if it were to be related to seasonal daylight hours as put forward in the RSA.
- 7.7.3. Section 3 of the Report provides a Review of Design Standards and Sight Distances at the proposed entrance. They have regard to the relevant Design Standard in the Design Manual for Roads and Bridges (DMRB). They provide that based on the speed survey undertaken in the TIA the speed at this location is 85km/h or less. These are lower than expected on a 100km/h road, having regard to the speed restrictions upstream (Claregalway direction) and using the 85km/h the desirable stopping sight distance is 160m. They provide that the N18 at the location of the

access to the proposed entrance complies with the desirable value of 160m stated in the DMRB.

- 7.7.4. Regard is had to DM Standard 20 the current GCDP 2015-2021 relevant to Sight Distances Required for Access onto National, Regional & Local Roads. This provides Table 13.3 which includes for a design speed of 100kph a Y distance of 215m is required on National Primary and Secondary Roads, and for a design speed of 85kph, 160m are required in either direction. A Sightline Assessment drawing is included in Appendix A of the TIA. It was noted on site that visibility is somewhat restricted due to the crest on the road to the south, however it appears from these drawings that the 160m sightline maybe achievable. It was also seen that only the southern side of the access is splayed. It is not splayed to the north due to the location of the existing house.
- 7.7.5. Section 4 provides an Analysis of Recently available RSA Collision Data and Traffic impact. It is provided that the results demonstrate that at the proposed access location no accidents were recorded over a prolonged period of time i.e between 2005 and 2013. It must be noted however, that during this time as the former quarry site has been non-operational and the existing uses generate little traffic that the use of the access has not been significant. The First Party consider that in view of the historical context, it may not be possible or feasible to achieve full technical compliance with modern design standards, to satisfy all planning policies and objectives. They contend that it is likely in many instances that a balance will need to be struck between various planning policy objectives if former quarries are to be made available for recovery of inert soil and stone to facilitate C&D Waste policy implementation.
- 7.7.6. They provide that the traffic generated by the proposed usage will be exceptionally low at approx. 1 vehicle per hour and that the additional traffic generated falls below the thresholds set out in the NRA *Traffic and Transport Assessment Guidelines* (May 2014) that would require a TIA to be undertaken. They consider that there is no basis to include additional traffic movements as a reason to refuse the proposed development. However, while it is acknowledged that as submitted the traffic movements associated with the operations will be light, the issue of intensification of the use of the access and of HGVs turning from the N18 at a point outside the 50/60

km/h speed limits and where sightlines are somewhat restricted needs to be taken into account.

- 7.7.7. They consider that the Planner's Report and Road and Traffic Unit's Response have selectively summarised the potential safety hazard and therefore not interpreting the item raised in its entirety and provide details of this. They consider that it is unclear as to why they still raise safety concerns with sightlines after reviewing the RSA and TIA. They provide that the conclusion in the Planner's Report and the R & T Unit's response is unjustified as it fails to acknowledge that the proposed facility could be appropriately managed and have specific time restrictions on a daily basis if deemed required. Also that this can be enforced by locking to the facility outside of the specified operating hours.
- 7.7.8. They provide that with regard to concerns for seasonal changes in daylight hours, it is proposed to operate only between 9.00hrs and 17.00hours on a daily basis 6 days a week with further reduced hours of 10.00hrs to 16.00hrs on a daily basis during the winter months. They contend that this would ensure that the facility is operational in daylight hours only and outside peak traffic periods on the N18. They provide that the Design Team seeks to ensure that mitigation measures relative to the restricted opening hours will ensure the visibility is appropriate relative to the proposed development. It is recommended that if the Board decide to permit that a condition be included to restrict the hours of operation on this seasonal basis.
- 7.7.9. Having regard to the issues raised and taking into account the concerns of the TII, the Board may decide to refuse this application on traffic grounds. However, it also needs to be taken into account that there is an existing widened entrance, splayed on its southern site, which was used for the former quarry operations in the 1980's. The First Party contend that 160m sightlines are available in either direction and that the speed on this stretch of road is generally less than 85kph. However, it must also be noted that the posted speed on this National Primary Route is 100kph, so it cannot be taken as a given that all motorists would be travelling at 85kph or less.

7.8. **Regard to Environment issues - EIA Screening Report**

- 7.8.1. An EIA Screening Report has been submitted as part of the application. It is noted that in accordance with class 11(b) *Other Projects* in Part 2 of Schedule 5 of the

Planning and Development Regulations 2001 (as amended) an EIA is required for: *Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of the Schedule.*

- 7.8.2. In accordance with case law set by the European Court of Justice (in case Ref.C-486/04) in 2008 the term disposal in respect of waste management activities also applies to recovery operations for the purposes of the EIA directive.
- 7.8.3. It is expected that the proposed inert waste recovery facility will have an average importation rate of between 15,000 and 20,000 tonnes per annum (with a maximum of 24,500 per annum), which is below the threshold for waste management projects requiring EIA. As the proposed development is 'sub-threshold' in terms of EIA, regard is had as to whether the proposed development is likely to have 'significant impacts' on the environment with reference to the criteria set out in Schedule 7 of the P&D Regulations.
- 7.8.4. Regard is had to characteristics of the proposed development and the locational context of the site and to the proximity of residential dwellings, surrounding land uses which include agricultural to the south and commercial/ light industrial to the east. The site is not located in a sensitive landscape area. The landscape value of the area is classified as low, as is the landscape sensitivity. Also there are no protected views or prospects in the vicinity. It is contended that the proposed usage would be absorbed into the landscape and would not adversely impact on the environment or the economic and social infrastructure and local amenities including tourism in the wider area. Also that the development would reduce the visual impact of the worked out quarry void on the surrounding landscape and will establish a landform and habitat more in keeping with the surrounding area.
- 7.8.5. There are no surface watercourses, wetlands or waterbodies within or immediately adjacent to the application site at Cregboy. The groundwater recharge map produced by GSI indicates that approx. 85% of rainfall on the site recharges to the underlying groundwater aquifer. It is provided that having regard to Soils and Geology the proposed works including taking into account the mitigation measures will not result in significant adverse impacts on the underlying bedrock or subsoils of the surrounding undisturbed ground.

- 7.8.6. Regard is also had to Flora and Fauna. It is noted that no protected, rare or other species of particular scientific interest have been identified in the local area, nor are there any unique habitats within the application site. Regard is had to proximity to Natura 2000 sites in the AA Screening Section below. It is also noted in the Cultural Heritage Section that there are no Recorded Monuments within or in close proximity to the site.
- 7.8.7. In view of the setback of the site and quarry from the road and the existing perimeter berms and established vegetation, it is expected that there will be no alteration to or visual intrusion on, the existing rural landscape, nor will the proposed works obstruct any landscape views or prospects. It is put forward that the proposed development will facilitate backfilling and restoration of an existing worked out quarry to long term agricultural/wildlife habitat and will reduce the footprint of disturbed ground associated with minerals extraction and associated activities at this location.
- 7.8.8. A review is also provided of Water and Traffic related issues, which are discussed separately in the relevant sections of this Report. It is noted that there are no other such operations in the vicinity. The EIA Screening Report provides that a review of the Galway County Council online planning register did not reveal any proposed developments in the area which, along with the proposed development at the subject site, would result in a significant adverse cumulative impact. They note that the applicant has a comprehensive health and safety programme and an environmental monitoring programme in place at all of its established facilities. In view of this and the inert nature of the materials being handled, they provide that the risk of pollution and/or occupational accidents on the site is low. The Report provides a Checklist of Criteria for Evaluation Significance. It concludes that the extent of any impacts arising from the facility is limited by its location in a rural area and the fact that the site activity is of temporary nature and will primarily be undertaken in the existing quarry void. In addition, the site is not proximate to any designated natural or cultural heritage area. Also, that there are no interactions between the factors listed which will lead to the proposed development having significant negative impacts on the environment. It is submitted that the restoration of a redundant quarry site with recovered inert soil and stones at Cregboy would be unlikely to result in significant adverse impacts on the environment. As a result, it is concluded that there is no requirement to prepare and submit an EIS in relation to the proposed development.

7.9. Environmental issues – Mitigation Measures

- 7.9.1. There are currently no established activities on the Roadstone lands at Cregboy, the quarry is worked out and redundant. The First Party consider that the proposal complies with Objective EQ3 Sustainable Reuse of Quarries GCDP 2015-2021. A number of mitigation measures are proposed in the Planning and Environmental Report relative to the operational phase of the proposed works. These are in respect of activities at the waste recovery facility in order to minimise uncontrolled release of polluting materials or liquids/liquors to ground. Quality Control measures include removing any quarantined materials that prove to be non-inert off-site for disposal or recovery at an appropriately permitted or licensed waste facility.
- 7.9.2. While the documentation submitted provides a general overview of the operations, it is noted that little information has been given as to the composition of the inert material to be accepted, how it will be checked to ensure there is no contamination, will it be washed etc. Also as to whether there will be processing of the C&D waste prior to landfill or whether it is envisaged such would take place on/off site. This lack of information is considered to be concerning, relative to potential for possible environmental impacts.
- 7.9.3. A Noise Impact Assessment has been submitted as part of the Further Information. It is provided that high background noise levels are likely to be present in the local area, principally as a consequence of the frequency and speed of car/HGV traffic movements along the nearby N18. Some activity at the adjoining light industrial businesses (work saw) and adjoining farm (JCB) contributed to the recorded ambient noise level at the time of the noise survey. Once operational, the principal noise source sources at the application site will arise from intermittent grading and compaction of soil and stone using a bulldozer and/or mechanical excavator and movement of HGV lorries around the facility.
- 7.9.4. It is noted that the operation of the waste recovery facility will include a number of mitigation measures with respect to noise and details are given of these, which include having regard to management and working practices and noise monitoring/receptor locations. Also that the mitigation measures outlined, seek to ensure that noise and dust generated by the proposed recovery activities will have no impact on existing economic or social infrastructure in the surrounding area. It is

recommended that if the Board decide to permit that a condition relative to monitoring and control of noise during operations be included.

7.9.5. An Air Quality Impact Assessment has been submitted as part of the Further Information. It is provided that given the separation distance between the site and adjoining enterprises and any nearby sensitive receptors, there is likely to be little if any dust deposition or dust nuisance arising at surrounding properties. It is noted that there are approx. 36 receptors located within 500m of the application area boundary. The closest property is to the north of the access with the N18. It is provided that the impact of fugitive dust will be direct, temporary and will be largely confined to the application site. Details are given of measures to assist in the control of dust during operational phase and this includes regular monitoring and compliance with current standards. While they note that there is some potential for HGV's to aggravate dust impacts, these will be mitigated and site management will ensure that the interaction of these impacts will be minimised. It is provided that the implementation of these measures will ensure that no significant dust impact from the proposed recovery facility will arise at nearby sensitive receptors and there will be no adverse impact on existing land use in the area. It is recommended that if the Board decide to permit that a condition relative to monitoring and control of dust emissions during operations be included.

7.9.6. It is concluded in the Planning and Environmental Report that with the implementation of the proposed mitigation measures, it is anticipated that the operation of the proposed inert soil and waste recovery facility will not have any significant adverse impact on the surrounding development, residential amenity, traffic, ecology, groundwater, landscape amenity or cultural heritage. On this basis it is put forward that the development is consistent with the proper planning and sustainable development of the local area.

7.10. **Water and Drainage issues**

7.10.1. The application site lies close to the northern catchment boundary of the Clarin Kilcolgan (Frenchfort) river waterbody. As part of Ireland's obligations under the Water Framework Directive (2000/60/EC), a water management plan has been prepared in respect of this waterbody. The key objective being to protect the existing water quality within the catchment area.

- 7.10.2. The Geological Survey of Ireland (GSI) Bedrock Geology Map indicates the area is underlain by limestone bedrock and the application site is designated as a regionally important karstified aquifer in which flow is understood to be predominantly conduit controlled. The aquifer vulnerability rating is indicated to be high on the agricultural lands surrounding the quarry where a thin protective layer of subsoil is present over bedrock. It is noted that in view of the past quarrying activity, that the limestone rock which underlies the area has been exposed.
- 7.10.3. The GSI database indicates that there are no karst features within the application site and the nearest karst features are a turlough located to the south (Kiltullagh turlough), a turlough located 2.5km to the east at Gortatleva and a spring (Toberbrenan) approx. 3km to the south-east of the site at Polkeen. It is of note that Kiltullagh Turlough (pNHA 000287) is located approx. 800m to the south of the application site (at its closest point). While regard must be had to this relative to good practice it is not a designated Natura 2000 site. However as noted by An Taisce, there are additional considerations on ground water vulnerability due to the proximity to Kiltullagh Turlough.
- 7.10.4. The Planning and Environmental Report provides that all rain which falls across the application site and unpaved sections of the wider Roadstone landholding generally naturally recharges to ground and the underlying ground water table. The quarry floor is dry with any rainfall falling across the quarry footprint percolating naturally through the ground to the underlying groundwater aquifer. There are no natural watercourse draining or discharging surface water run-off from the application site. There is to be no surface water discharge to any watercourse and or/waterbody. Also, there is to be no discharge of surface water from the application area to any ditch, drain or surface water course. All incident rainfall at the site either evaporates or rapidly infiltrates to the underlying groundwater table. The site is located within an area designated as (Rkc) Regionally Important, conduit karst aquifer, development potential limited. It is also noted that a review of available flooding data published by the OPW (floodmaps.ie) indicates that no historical flooding has occurred in the vicinity of the quarry or application site. As such it is provided that the development will have no impact on the local surface water regime.
- 7.10.5. A number of measures are to be put in place to minimise and manage emissions to land, surface water and groundwater from the proposed waste recovery facility at

Cregboy. These include regard to the infill process and methods relative to fuel deliveries and maintenance. Fuel is not to be stored on site. It is noted that a portacabin and portaloos facility will be provided. It is understood that there is an existing groundwater supply well on-site and this will be used to supply potable water for the facility.

7.10.6. Although the waste streams to be imported and recovered at the proposed recovery facility at Cregboy are to be inert and expected to be free from contamination, there is a minor risk that the proposed activities could result in contaminant emissions to groundwater, specifically from placement of inert waste and spills/leaks and fuel. A number of mitigation measures are proposed relative to the operations to prevent and minimise any potential risk to groundwaters. It is provided that by implementing these measures, emissions to ground water will meet the quality threshold or limit values for key indicator parameters set by the European Communities (Environmental Objectives Groundwater) Regulations (S.1.9 of 2010).

7.10.7. Aquifer vulnerability mapping published by the GSI indicates that the vulnerability of the aquifer across the application site and Roadstone landholding is extreme. This rating is indicative of the fact that the overlying subsoil cover is largely absent and there is no protection to the aquifer from potential contamination by human activities at ground surface. While the water table has not been breached on the quarry floor it is noted that the distance to the water table beneath the quarry or details regarding sufficient protective measures have not been given. It is considered that such information would be beneficial in assessing this application. Therefore, it is considered that in compliance with Objective EQ1 (Protections of Natural Assets) and Objective NHB 3 (Protection of Water Resources) that sufficient information has not been submitted relative to mitigation measures to ensure the protection during the proposed operations of groundwater and the aquifer beneath or in the vicinity of the quarry.

7.11. Decommissioning / Site Restoration

7.11.1. The Planning and Environmental Report provides that following recovery activities, the proposed facility will be restored to agricultural grazing land or wildlife habitat. They provide that the following activities will be carried out upon cessation of recovery activities:

- (i) Removal of all plant and machinery;
- (ii) Removal of permanent and temporary site infrastructure;
- (iii) Spreading of topsoil/overburden materials over infill area using materials imported to site, to a minimum overall depth of 300mm, with a minimum of 100mm of topsoil;
- (iv) Sowing of locally available grass mix in order to promote stability and minimise soil erosion and dust generation.

7.11.2. Regard is had to impact of restoration on Natural Heritage (Section 3.5) and Landscape (Section 3.6) in The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004). It must also be had to DM Standard 37(h) of the Development Plan which concerns the Rehabilitation of and after care of quarries. It is considered important that that the proposed restoration leads to an environmentally sustainable form of landuse of the application site area.

7.11.3. Section 11.2.2. of the Connaught Ulster Waste Management Plan 2015-2021 notes the importance of rehabilitation relative to backfilling C&D waste. *Quarries also frequently require large quantities of soil material to fill voids, and for other remediation and landscaping applications.* Therefore, it is recommended that if the Board decide to permit that a condition be included regarding decommissioning and restoration of the site including the quarry void area.

7.12. **Appropriate Assessment Screening**

7.12.1. A Natura Impact Statement Stage 1 Screening Assessment has been submitted with this application. The application site is not located within or immediately adjacent to any Special Area of Conservation (SAC), Special Protection Area (SPA) or Natural Heritage Area. There are five Natura 2000 sites within a 15km radius of the application site. These are:

- Lough Corrib SAC (Site Code 000297) lies approx. 1.4kms to the north-east of the application site.
- Lough Corrib SPA (Site Code 004042) approx. 5.3km west northwest.
- Galway Bay Complex SAC (000268) approx. 5.3km south southeast.

- Inner Galway Bay SPA (004031) approx 5.8km south.
- Cregganna Marsh SPA (004142) approx 7.8km south.

7.12.2. The AA Screening Report prepared in respect of the proposed recovery facility indicates that Lough Corrib SAC is the only designated nature site with which the proposed development has a physical or hydraulic connection. Details are given in Section 4.2.2 of the Qualifying Interests relative to Annex I and II habitats and species and a Site Synopsis is included in the Appendix. The Conservation objective for Lough Corrib SAC is to maintain or restore the favourable conservation of the Annex I and II habitats and/or species for which the SAC has been selected. The Site Vulnerabilities include quarrying and disposal of household and industrial waste. It is noted that the current proposal is to provide a waste facility for a soil and stone waste recovery facility only. A summary of the screening assessment of the identified hazards, the likelihood of any exposure of any particularly qualifying feature and significant effects of the project from such hazards is provided in Table 2 of the Screening Assessment. A finding of no significant impacts is concluded relative to the proposed development and the Natura 2000 site.

7.12.3. The Report also indicates that the recovery facility will not hinder the conservation objectives of the designated site. It is provided that the development will be the subject of careful controls to minimise the risk of groundwater contamination and to ensure only inert materials are imported to site. Taking this and the distance to the SAC into consideration it is considered that the environmental risk of pollution to Lough Corrib SAC is insignificant.

7.13. **Conclusion relative to AA Screening Report**

7.13.1. Based on the screening assessment presented in Section 5 of the Screening Report, it is concluded that the development and operation of a soil recovery facility at Cregboy will not have any significant effects on the Lough Corrib SAC, or on any of its qualifying Annex 1 habitats and/or Annex 11 species for which the site has been designed as being of European importance, as a stand-alone project. Also, it is considered in view of the nature and limited scale of the proposed development, the locational context of the site and the lack of any other such facilities in proximity that

there is no requirement in this case to undertake any further assessment in relation to in-combination with other plans and projects.

7.13.2. Table 3 provides a Finding of No Significant Effects Report. This includes that the project will not require any surface water discharge and therefore there will be no hydrological pathways linking the project to any of the rivers or Lough Corrib which form part of the Lough Corrib SAC. Through the provision of in-built mitigation to minimise the risk of groundwater contamination, the environmental risk from pollution is considered to be negligible though any hydraulic continuity of ground and surface waters with the Lough Corrib SAC.

7.13.3. While no specific avoidance and mitigation measures are proposed relative to the Lough Corrib SAC, it is sought to ensure that the operations of the facility are carried out in accordance with best practice and appropriate guidelines in a sensitive manner with due regard to current legislation in respect to European sites and their qualifying habits and species and in accordance with any conditions that may be attached to a planning permission. In view of all these issues it is considered that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, no appropriate assessment issues arise.

8.0 Recommendation

8.1.1. It is recommended that having regard to the documentation submitted, the submissions made by the parties and to the site visit and assessment above that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The “Spatial Planning and National Roads - Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government (2012) seek in Section 2.5 “to avoid the...generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply.” The proposed development of a stone and soil waste recovery facility at this location would result in the intensification of use of an access on to the N18 national primary road, having restricted sightlines, and where a speed limit of 100 km/h applies. It is, therefore,

considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would be contrary to the provisions of the said Guidelines, and also to Objective TI6 and DM Standard 19 of the Galway County Development Plan 2015-2021 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Connacht - Ulster Region Waste Management Plan 2015-2021 and in particular to Policies E13 and E14 of Section 16.4.4 (Recovery - Backfilling), it is considered that it has not been established that a co-ordinated approach has been followed as to the scale and availability of existing back filling capacity in the Region and that the need to use this particular site relative to the proposed development has not been demonstrated. The development of this smaller scale site could therefore be considered to be stand alone and piecemeal and as such would be contrary to these policies and the guidance given in the said Waste Management Plan and to the proper planning and sustainable development of the area.
3. It is considered that sufficient information has not been submitted to demonstrate that the proposed operations would not cause pollution of the groundwater from the quarry void and also relative to the remainder of the application site and therefore would be contrary to Objective EQ1 (Protection of Natural Assets) and Objective NHB 3 (Protection of Water Resources) of the Galway County Development Plan 2015-2021 and as such would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector
19th of June 2017