



An
Bord
Pleanála

Inspector's Report ABP-301057-18

Development	Construct a concrete Batching Plant on and adjacent to a previously approved quarry site, PA reference 06/2275 and Bord reference PL.07.222783. The proposed development, ancillary to the main quarry will include the following: washdown/surface water collection system and washwater recovery tanks; aggregate storage bins; concrete block-making and storage facilities and all ancillary site services.
Location	Cartron, Belclare, Tuam County Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1083
Applicants	Mortimer Quarries Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First & Third Party
Appellants	Mortimer Quarries Ltd Tommy McHugh
Date of Site Inspection	25 th June 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Cartron, Belclare, Tuam County Galway in a rural area approximately 7 kilometres southwest of Tuam and 1.5 kilometres southwest of the village of Belclare. The site is accessed via a private road from a local road which links to the R333 Tuam to Headfort Regional Road which is approximately 1.5 kilometres to the north, and the N17 Galway Sligo National Primary Route which is approximately 3 kilometres to the east. The private road also serves another former quarry (McTigues) located to the north of the appeal site.
- 1.1.2. Many of these roads are relatively narrow and the alignment of the R333 Tuam to Headfort Regional Road in proximity to the N17 is of a relatively poor vertical and horizontal alignment with a large section of the carriageway having a solid white line.
- 1.1.3. The general area is in agricultural use. Many one off dwellings of recent construction are located along the road network. Within a relatively flat landscape the appeal site is located on the eastern lower slopes of Knockmaa Hill.
- 1.1.4. The OSI aerial photography for 1995 indicates a line crossing the access road which runs from Belclare to Lough Corrib where an intake for the Regional water supply is located.
- 1.1.5. Within the landholding there is an operational quarry, a macadam plant, a machinery shed, an office building (recently erected) and near the site entrance but at right angles thereto there is a wheel wash. The working quarry face is to the south-west of the entrance. Large mounds of aggregate storage are located centrally to the north. Cubic metre bags of cut stone are stored along the north eastern boundary. The subject site occupies the eastern corner of the overall quarry site.
- 1.1.6. The appeal site, has a stated area of 0.39ha, of a landholding which was the subject of a previous application/permission with a stated area of 15.09ha.

2.0 Proposed Development

- 2.1.1. The development proposed is the construction of a concrete batching plant on and adjacent to a quarry site previously approved under planning reference 06/2275 and An Bord Pleanála reference PL.07.222783. The proposed development is ancillary to the main quarry and it will include the following: washdown/surface water collection

system and washwater recovery tanks; aggregate storage bins; concrete block-making and storage facilities and all ancillary site services.

- 2.1.2. The application was accompanied by a document titled screening for appropriate assessment, prepared by RPS, which includes:
- 2.1.3. The concrete batching plant will consist of both dry and wet mix concrete plant. The proposed works will consist of two areas, the concrete batching plant location and a concrete hardstanding area. The input material required for production will include water, sand, gravel and cement. The aggregates will be stored on site in stock bays close to the plant, with water required for production sourced from an on-site sump and stored in a water tank. The aggregates will be loaded into various bins and weighed out into correct mixes prior to entering a ready-mix truck, or alternatively into the plant mixer for wet mix concrete and concrete block production. Various admixtures and water will be added to the different mix designs depending on design requirements. The plant will be fully automated with the most modern technology. It is estimated that the production output per annum will consist of approximately 5000m³ of concrete and 250,000 concrete blocks. The proposed batch concrete plant will take a month to set up.
- 2.1.4. There are no watercourses or prominent drainage features on site i.e rivers, streams or drainage channels.
- 2.1.5. The Geological Survey of Ireland (GSI) online database was consulted for available edaphic, geological and hydrological information. The underlying bedrock of the proposed works consists of the Knockmaa Formation, a thick-bedded pure limestone. The groundwater vulnerability of the site and surrounding townland is classified as a mix of extreme and rock at or near surface or karst. The status of the underlying aquifer is a regionally important aquifer – karsified (conduit) RKc.
- 2.1.6. Natura sites within 15km of the site are listed with qualifying habitats and species given. The sites listed are Lough Corrib SAC site code 000297, Lough Corrib SPA site code 004042, Shrule Turlough SAC site code 000525 and Mocarha Lough SAC site code 001536.
- 2.1.7. In relation to the elements of the project likely to give rise to impacts on European sites it states that there are no watercourses or prominent drainage features on site i.e rivers, streams or drainage channels to provide surface water connectivity to

European sites. The groundwater vulnerability for the proposed works is classified as extreme therefore providing potential for groundwater connectivity. However a concrete foundation slab will be used for wash down, with the surface water run-off collected and discharged into recovery tanks. This control measure reduces any potential connectivity to proximal European sites.

- 2.1.8. The implementation of best practice construction and operation measures will retain all potential pollutant sources to the project footprint and existing quarry boundary.
 - 2.1.9. Potential impact during construction - For the four listed European sites the proposed works area does not support connectivity, direct or indirect to the European site network via environmental vectors including surface water and groundwater. The implementation of best practice measures during the projects construction and operational phases will retain all potential pollutant sources to within the footprint of the existing quarry site.
 - 2.1.10. Potential impact during operation – There is potential for surface water run-off to impact upon groundwater at the proposed site, due to the underlying bedrock having an extreme groundwater vulnerability status. The collection of surface water run-off into recovery tanks, for sediment settling will prevent contaminated water from entering the groundwater system as a result of the proposed works. The waste water will be recycled and reused in the manufacturing process, and the settled solids will be removed from the recovery tanks at regular intervals.
 - 2.1.11. Dust impacts will be addressed on site through the implementation of a dust collector fitted to the plant machinery.
 - 2.1.12. Noise will be in line with existing permitted levels. Lough Corrib SPA is located 9.4km from the site therefore it is unlikely, due to the distance, that any anticipated on-site noise will impact on the qualifying features.
 - 2.1.13. Cumulative and in-combination impacts – the proposed works will not form any baseline impacts on European sites upon which cumulative impacts could be based.
- 2.2. In response to a request for further information, additional information submitted included:
- Details of monitoring - evidence of compliance with conditions 4, 5, 8, 12, 13, 20 and 22 of PL07.222783.

- A revised site layout map and cross sections.
- Elevations and specifications of the washwater recovery tanks.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council decided to grant permission subject to 7 conditions, including:

- 3 permission for a 10 year period.
- 4 the batching plant shall operate ancillary to the main adjoining quarry and shall not be construed as a permission for any intensification of quarrying therein.
- 5 a wheel wash mechanism to be used.
- 7 Development charge of €78,000 (based on 3,900 units i.e. 0.39ha).

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two Planning Reports on the file, the first recommended further information on three items:

- 1 evidence of compliance with conditions 4, 5, 8, 12, 13, 20 and 22 of PL07.222783.
- 2 on the basis of the site inspection, ambiguity exists as to the site levels delineated in the planning application as the site layout map suggests that the ffl is generally on a par with the existing machinery shed but in reality there appears to be a significant disparity apparent, clarify by submitting cross sections.
- 3 elevations and or specifications of the washwater recovery tanks.

The second report following the receipt of additional information recommends permission.

Both reports refer to planning history.

Enforcement 09/331 re non-compliance with PL 07.222783, conditions 5 and 13.

Condition 5

On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority.

This report shall contain:

A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

A bi-annual topographical survey carried out by an independent qualified surveyor approved by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

A record of all movements of heavy vehicles outside the times set out in condition number 7 below.

A record of groundwater levels measured at monthly intervals.

A full record of all breaches over the previous year for noise, dust and water quality monitoring.

A written record of all complaints, including actions taken on each complaint.

In addition to this annual audit, the developer shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring, details of such information to be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

Condition 13

Total dust emissions arising from the on-site operations shall not exceed 350 milligrams per metre squared per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter at any position along the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, roads and circulation areas and equipment during periods of dry windy weather to prevent the emission of fugitive dust.

Reason: In the interest of protecting the amenities of the area.

3.2.3. Other Technical Reports

Environment Section

Satisfied with proposal and with the general operation of the facility, there has been no check however of the quarterly and annual environmental reports so they could not say at this point that all is in order in that respect. The quarry has a waste facility permit for up to 100,000 tonnes for soil and stone and no peat has been imported as is claimed in submissions. Roadbridge have waste facility permits at other locations to deal with peat excavation work on the M16 motorway.

4.0 Planning History

PL 07.222783, Planning Register Reference Number 06/2275 an appeal against decision of Galway County Council the grant permission for quarrying of limestone at Cartron (ED Claretuam), Belclare, County Galway on 15.09 hectares of land (as amended by further public notice) granted by the Board, for a twenty year period (to 2028).

Enforcement 09/331 re non-compliance with conditions 5 and 13 of PL 07.222783.

Stated on layout plan

17/512 prefab building granted, car park granted.

244503 Appeal against decision to grant permission, reg ref. 14/1295, for construction of a shed within quarry for maintaining plant. Provision of concrete apron includes water collection and oil interceptor; appeal withdrawn.

LA0092 Mortimer Quarries re licence for atmospheric emissions from Asphalt Plant through a 30m chimney (prior treatment with fabric filter).

This case refers to an appeal which was received by the Board in relation to an Air Emissions Licence and which was re-directed to the EPA due to the coming into force of S 25 of the Environment (Miscellaneous Provisions) Act 2015 which, following receipt of the appeal, transferred the Board's appeal function to the EPA.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Galway County Development Plan 2015-2021 is the operative plan relevant provisions include support for quarrying, noting that County Galway has extensive deposits of material which is a resource for the building industry, that the winning and processing of these materials are key factors in the economic life of the county and that the Planning Authority will face a challenge in facilitating the gainful exploitation of the materials with minimum impact on the environment and least disturbances to residences.
- 5.1.2. Other relevant provisions include those directed at the protection of biodiversity and protection of European sites.

5.2. Natural Heritage Designations

- 5.2.1. Lough Corrib SAC site code 000297, is the nearest Natura Sites located some 3½ km away.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. Two appeals have been received: a third party appeal against the decision to grant permission, and a first party appeal against condition 7, which requires the payment of a development charge.

6.3. Third Party

6.3.1. The third party appeal from Tommy McHugh includes:

- He has seen two quarries on the side of Knockmaa grow from modest operations to super-quarries over the last three decades. Planning permissions have been obtained for quarrying, for tarmac and now for concrete production at the Mortimer quarry and on each occasion, legitimate concerns expressed by neighbours appear not to have been adequately addressed.
- He refers to his submission on the subject application, in which he referred to the extra traffic which would be generated.
- The area is saturated with HGVs from two quarries. Any additional activities involving HGVs present a clear threat to both safety and amenity of neighbours and their properties and this hasn't been quantified or considered in a meaningful way.
- He contests the very low level of truck movements proposed, 4 per day two way, and fears that this is very much the thin end of the wedge. Such manufacturing will require cement import by articulated bulk tankers, admixtures by articulated bulk tankers and large quantities of sand by tipper trucks.
- The planner's report makes no reference to traffic volumes.
- The grant of permission contains no condition restricting the additional truck movements, leaving the developer with a 10 year period to increase the volume of concrete block production and delivery and with no safeguards to the third party re truck/HGV movements outside his door.
- His submission informed Galway County Council that current dust suppression measures do not work. He is aware that dust monitoring takes place in a few parts of

the quarry but his home is being affected by dust from the quarry and he is concerned that further increase in activity will exacerbate the problem.

- The wheel wash, condition no 5, has been at the site for years but it has not worked in his opinion, or possibly has not been used properly.
- The road network from the quarry and outside his home is inadequate for large numbers of HGVs meeting.
- The frontage outside his home is used as a passing bay, creating loud engine noise as trucks slow and accelerate at all times of day including early in the morning, waking residents.
- He is aware that the quarry performs noise surveys at certain locations intermittently but these are not representative of the impact on the third party and his home.

6.4. First Party

6.4.1. The first party appeal from Mortimer Quarries Ltd includes:

- They wish to highlight what appears to be an error in the calculation of the Sec 48 development contribution under the Galway County Council Development Contribution Scheme.
- The figure has been arrived at by multiplying the entire area within the red application line by the industrial activity rate of €20/m². This is an error, for the reasons:
 - It should be applied to new development and not the development already authorised or incidental non-productive area.
 - The area outlined in red was merely to indicate the extent of area of the existing authorised quarry, within which it is proposed to contain any activity linked to concrete product manufacturing including the plant. The area includes allowance for stockpiles of aggregates and associated traffic turning area which are already authorised (S261(7) PL07.222783) as a quarry and do not require further permission to be stockpiled and worked.

- Concrete manufacturing merely involves the mixing of authorised quarry product with imported other products to produce a new product. Only the new production area, structures for storage of imported products: cement and new concrete products where appropriate; constitutes new development.
- Hard standing non-production areas, beside the proposed manufacturing structures, would be exempted development once the manufacturing structure is authorised and should not be included.
- There is no product storage associated with ready mixed concrete manufacturing, so only production plant should be counted.
- The concrete block storage slab also acts as production slab so that activity is limited to the slab only.
- They cite examples of where the foregoing principles have been applied.
- They supply a calculation of the contribution:
 - Concrete block slab – $240\text{m}^2 @ 20/\text{m}^2 = \text{€}4,800$
 - Readymixed Concrete Plant – $702\text{m}^2 @ 20/\text{m}^2 = \text{€}14,040$
 - Hardstanding adjacent to Readymix Plant – 306m^2 not chargeable
 - Total $\text{€}18,840$.

6.5. Applicant Response

- No response received.

6.6. Planning Authority Response

- No response received.

7.0 Assessment

- 7.1.1. The issues which arise in relation to these appeals are appropriate assessment, impact on groundwater, impact from dust, traffic impact and development charges and the following assessment is dealt with under these headings.

7.2. **Appropriate Assessment**

7.3. The Board, as the competent authority, has obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects the project may have, either on its own or in combination with other plans and projects, on Natura 2000 sites, before making a decision on the proposed development.

7.4. **Screening**

7.5. The first exercise to be carried out by the Board is screening, in order to determine if the proposed development, individually or in combination with other plans or projects, is likely to have a significant effect on a European site or sites. If it cannot be excluded, on the basis of objective information that the proposed development will have a significant effect on a Natura site, either individually or in combination with other plans or projects in view of the sites' conservation objectives, it must be subject to appropriate assessment.

7.6. Screening Report

7.6.1. An Appropriate Assessment Screening Report has been provided with the application.

It includes a description of the development and the Natura sites with the potential to be impacted.

7.6.2. Description of development:

- The proposed concrete batching plant will consist of both dry and wet mix concrete plant.
- The proposed works will consist of two areas, the concrete batching plant location with a concrete slab wash-down area and a concrete hardstanding area for the storage of blocks,
- The wash-down area will consist of 880m² concrete slab foundation,
- The concrete hardstanding area will consist of 240m² foundation slab, this will be a holding area for the concrete blocks produced,
- The concrete batching plant will consist of three silos,

- The input material required for production will include water, sand, gravel and cement. The aggregates will be stored on site in stock bays close to the plant, with water required for production sourced from an on-site sump and stored in a water tank,
- The aggregates will be loaded into various bins and weighed out into the correct mixes prior to entering a ready-mix truck, or alternatively into the plant mixer for wet mix concrete and concrete block production,
- Various admixtures and water will be added to the different mix designs depending on design requirements.
- The plant machinery will be covered in sheeting with a dust collector fitted to the plant mixer,
- The plant machinery itself will be enclosed, therefore reducing dust emissions and any potential contaminated surface water run-off,
- The wash down run-off from the concrete batching slab foundation will be collected in channels surrounding the perimeter of the slab and discharged into recovery tanks via gravity flow,
- The recovery tanks will have a total capacity of 55m³. All waste water will be recycled and reused in the manufacturing process,
- Overflow will be directed via a sump pump to existing on site water storage tanks adjacent to the Asphalt Plant (as shown on the site layout), this ensures an enclosed recirculating water system,
- The settled solids from the recovery storage tanks will be removed at regular intervals and mixed through quarry run-rock.

7.6.3. Natura sites within 15km of the site are considered.

7.6.4. The screening report considers the potential for impact on four water dependent Natura sites within 15km of the site Lough Corrib SAC site code 000297, Lough Corrib SPA site code 004042, Shrute Turlough SAC site code 000525 and Mocarha Lough SAC site code 001536.

Elements of the Project Likely to give rise to Impacts

- 7.6.5. In relation to the elements of the project likely to give rise to impacts on European sites there are no watercourses or prominent drainage features on site i.e rivers, streams or drainage channels to provide surface water connectivity to European sites. The groundwater vulnerability for the proposed works is classified as extreme therefore providing potential for groundwater connectivity. However a concrete foundation slab will be used for wash down, with the surface water run-off collected and discharged into recovery tanks. This control measure reduces any potential connectivity to proximal European sites. The implementation of best practice construction and operation measures will retain all potential pollutant sources to the project footprint and existing quarry boundary.
- 7.6.6. Re. potential impact during construction - for the four listed European sites the proposed works area does not support connectivity, direct or indirect to the European site network via environmental vectors including surface water and groundwater. The implementation of best practice measures during the projects construction and operational phases will retain all potential pollutant sources to within the footprint of the existing quarry site.
- 7.6.7. Re. potential impact during operation – there is potential for surface water run-off to impact upon groundwater at the proposed site, due to the underlying bedrock having an extreme groundwater vulnerability status. The collection of surface water run-off into recovery tanks, for sediment settling will prevent contaminated water from entering the groundwater system as a result of the proposed works. The waste water will be recycled and reused in the manufacturing process, and the settled solids will be removed from the recovery tanks at regular intervals.

7.7. Screening Assessment

- 7.7.1. As noted in the screening report the underlying bedrock of the proposed works consists of the Knockmaa Formation, a thick-bedded pure limestone. The groundwater vulnerability of the site and surrounding area is classified as a mix of extreme and rock at or near surface or karst. The status of the underlying aquifer is a regionally important aquifer – karsified (conduit) RKc. Also as noted in the screening report there are no watercourses or prominent drainage features on site i.e rivers, streams or drainage channels. In fact it is a notable characteristic of the area that there are no surface water features, as can be seen in the attached extract from

catchments.ie, however the conclusion cannot be drawn that there is no pathway for connectivity to a Natura site.

7.7.2. The site is located within the River Corrib catchment and therefore has the potential to impact on the SPA SAC.

7.7.3. Site specific conservation objectives have been developed for the site, which are generally to maintain or restore the favourable conservation status of habitats and species of community interest.

The species:

Freshwater Pearl Mussel *Margaritifera margaritifera*

White-clawed Crayfish *Austropotamobius pallipes*

Sea Lamprey *Petromyzon marinus*

Brook Lamprey *Lampetra planeri*

Salmon *Salmo salar*

Lesser Horseshoe Bat *Rhinolophus hipposideros*

Otter *Lutra lutra*

Slender Green Feather-moss *Drepanocladus vernicosus*

Slender Naiad *Najas flexilis*

and the habitats:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea*

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)

Active raised bogs*
Degraded raised bogs still capable of natural regeneration
Depressions on peat substrates of the Rhynchosporion
Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae**
Petrifying springs with tufa formation (*Cratoneurion*)*
Alkaline fens
Limestone pavements*
Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
Bog woodland*
* denotes a priority habitat under the Habitats Directive

Many of the habitats and species of community interest for which the site has been designated are water dependent.

- 7.7.4. Catchments.ie states in relation to the River Corrib that the 'catchment is characterised by a wide, flat, limestone plain occupying the eastern two-thirds of the catchment which terminates in the large lakes of Corrib and Mask that abut against the igneous granites of Galway and the metamorphic uplands of southwest Mayo. The entire area of this catchment east of the large lakes is karstified and groundwater and surface water are highly interconnected in this region'.
- 7.7.5. At its nearest point Lough Corrib SAC (site code 000297), is located some 3½ km away from the subject site.
- 7.7.6. The drawing in appendix A of the document 'Environmental Management System' and given as the 'drainage plan' is indecipherable at the scale presented, but except for a lagoon indicated in the south western corner of the drawing it appears to be the same as Drawing M180/13/PLN/01. The information presented on Drawing M180/13/PLN/01, in relation to drainage, would not support any assessment regarding mitigation of potential impact on groundwater.
- 7.7.7. In my opinion on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No.

000297 or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

7.8. Groundwater

- 7.8.1. As noted above under the heading appropriate assessment the site is underlain by a regionally important aquifer and in an area where the groundwater is extremely vulnerable. The aquifer is a karstified (conduit) RKc. and groundwater vulnerability in the area is classified as 'extremely vulnerable', 'rock at or near surface' or 'karst'.
- 7.8.2. The EPAs has provided advisory documents in relation to the management of risk to groundwater (e.g. 'on-site wastewater treatment systems', 'landspreading of waste' or 'developing landfill sites') and in each the level of precaution increases if the aquifer is of regional importance.
- 7.8.3. In my opinion the Board cannot be satisfied on the basis of the information provided that the proposed development would not be likely to cause groundwater pollution, and this is a reason to refuse permission.

7.9. Impact from Dust

- 7.9.1. The impact from dust is among the concerns expressed in the third party appeal. The first party states that the plant machinery will be covered in sheeting with a dust collector fitted to the plant mixer; and that the plant machinery itself will be enclosed therefore reducing dust emissions and any potential contaminated surface water run-off.
- 7.9.2. The initial planning report refers to enforcement in relation to lack of compliance with conditions 5 and 13 of the permission for the existing development on site. These conditions relate to monitoring of impacts including dust emissions.
- 7.9.3. In response to a request for additional information it is stated that dust monitoring has shown that there is compliance with guidelines, but no details of dust monitoring results is given, in contrast to other items, such as noise monitoring where evidence of compliance is provided. In addition, it is unclear whether or not monitoring is taking place at the intervals specified in the conditions. The proposed development has the capacity to increase the overall levels of dust and the nature of the dust.

7.9.4. These are matters in respect of which supplementary information, would be required prior to any grant of permission.

7.10. **Traffic**

7.10.1. The impact from additional traffic is among the concerns expressed in the third party appeal. The details submitted with the application state that it is estimated that the production output per annum will consist of approximately 5000m³ of concrete and 250,000 concrete blocks; this will equate to one operating day per week, there will be a slight increase in traffic as a result of this proposed activity which is estimated to be on average four trucks per day (two-way movement).

7.10.2. The third party contests the very low level of truck movements proposed, 4 per day two way, and fears that this is very much the thin end of the wedge. Such manufacturing will require cement import by articulated bulk tankers, admixtures by articulated bulk tankers and large quantities of sand by tipper trucks. The third party points out that the grant of permission contains no condition restricting the additional truck movements, leaving the developer with a 10 year period to increase the volume of concrete block production and delivery and with no safeguards to the third party re truck/HGV movements outside his door.

7.10.3. The Board considered the issue of traffic prior to granting planning permission for quarrying on this site under ref. PL07.222783 and condition no. 24 required the payment of a special development contribution of €450,000 in respect of overlay and the provision of passing bays.

7.10.4. The planning authority have raised no concerns in relation to road capacity or traffic safety.

7.10.5. In my opinion therefore the public roads can accommodate the additional traffic generated by the proposed development and additional traffic should not be a reason to refuse permission.

7.11. **Noise**

7.11.1. The third party raises concerns in relation to noise, stating that the frontage outside his home is used as a passing bay, creating loud engine noise as trucks slow and

accelerate at all times of day including early in the morning, which waking the occupants of the house. He is aware that the quarry performs noise surveys at certain locations intermittently but these are not representative of the impact on the third party and his home.

7.11.2. This issue is related to traffic impact rather than activity within the quarry. As previously noted condition no. 24 of PL07.222783 which permitted quarrying on this site, required the payment of a contribution towards the provision of passing bays. It appears therefore that this is a matter to be addressed by the planning authority and should not be a reason to refuse permission.

7.12. Development Contribution

7.12.1. Condition no. 7 is the subject of the first party appeal. It states:

The applicant/developer shall pay €78,000.00 to the planning authority, unless a phased payment schedule has been agreed in writing, with the planning authority. This charge has been calculated using the Development Contributions Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act 2000.

The makeup of this sum is detailed in the list below:

Development Sub-Area	Development Sub-Type	Charge Code Description	Number of Units	Unit charge	Line charge
Sub-Area	Batching Plant	Batching Plant	3,900	€20.00	€78,000.00
					Total €78,000.00

Reason: So that the developer shall pay an equitable portion of the cost of the facilities that are provided or that it is intended will be provided by or on behalf of Galway County council, which will facilitate the proposed development.

7.12.2. The first party states that this has been wrongly calculated based on the entire area within the red line boundary and provides an alternative method of calculation based on the concrete manufacturing activity merely involving the mixing of authorised quarry product with other imported products to produce a new product, meaning that only the new production area, structures for storage of the imported products: cement, and the storage of new concrete products where appropriate constitutes new development for the purposes of development contributions. Hard standing non-production areas beside proposed manufacturing structures delineated on application maps would be exempted once the manufacturing structure is authorised and should not be included in the calculation of development contributions. There is no product associated with readymixed concrete manufacturing so only the production plant should be counted for development contributions there. The concrete block storage slab also acts as a production slab so that activity is limited to the slab only.

7.12.3. Their calculation based on:

concrete block slab - 240m² @ €20 / m² -€4,800

readymixed concrete manufacturing plant - 702m² @ €20 / m² -€14,040

hardstanding adjacent to readymixed plant - 306m² – not chargeable;
is €18,840.

7.12.4. They cite examples where actual footprint of developments were used in calculating development charges.

7.12.5. They submit a map indicating the location of the areas to which they consider the charge should apply.

7.12.6. The planning authority have not responded to the grounds of appeal.

7.12.7. The County Galway *Development Contribution Scheme 2016 under Section 48, Planning & Development Act 2000 (as amended)* sets out contributions applicable to types of development and geographical areas the €20 per sq.m calculation used is based on the development falling into Group 1 (Abattoir, Concrete Asphalt Plant, Industry General, Waste Transfer Station, Offices over 1,000 m², Petrol Station/Service Garage, Shops – Major Sales Outlet, Fuel Depot, Scrap Yard) and

geographical Sub Area 2: Towns and Villages with adopted Local Area Plans or within the GTPS.

7.12.8. The rate applying is not contested. It is the area to which it should apply that is at issue.

7.12.9. The application site is a confined area of the overall quarry where the concrete manufacturing use will take place. Proposed open storage bays are to be provided as part of the proposed development. The first party's calculations omit these storage bays. Although they may have a more general use in conjunction with the operation of the quarry they are proposed and required as part of the concrete manufacturing use.

It appears to me that the area nominated in the application as the area which directly relates to the activity proposed, is where the concrete manufacturing use will take place, and being the area required for the activity, the application of the development charge to this area is appropriate.

8.0 Recommendation

8.1.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 000297, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

2 On the basis of the information provided with the application and appeal the Board cannot be satisfied that the proposed development, would not be likely to cause pollution to the regionally important karstified (conduit) aquifer (RKC), and the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Planning Inspector

29 August 2018

Appendices

- 1 Photographs
- 2 Extracts from the Galway County Development Plan 2015-2021.
- 3 Galway Development Contribution Scheme.
- 4 Extracts from catchemnts.ie data.
- 5 Extracts from Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), EPA.
- 6 Extracts from Groundwater Protection Responses for Landspreading – summary, EPA.
- 7 Extracts from Landfilling of Waste: a Hazard for Groundwater, EPA.
- 8 Site Synopsis Lough Corrib SAC site code 000297.