



An
Bord
Pleanála

Inspector's Report ABP-303475-19

Development	Retention and completion of the extraction of sand and gravel deposits and reinstatement of lands and associated siteworks.
Location	Eskeromullacaun, Glenamaddy, Co Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181163
Applicant(s)	Martyn's Grass Lawns Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Matthew & Diane Mahon.
Observer(s)	Malachy & Marian Keaveney, Peter & Teresa Keaveney, Damien & Ethel Keaveney.
Date of Site Inspection	18 th April 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal relates to a site located within a rural area approximately 2.4km to the north west of Glenamaddy in north County Galway. The appeal site (4.816 hectares) is in the townland of Eskeromullacaun and is accessed via a minor local cul de sac road to the north of the R362 Glenamaddy-Dunmore Road. The site is irregular in shape and lies to the south of the Loughpark stream which connects many drains in the vicinity. The site comprises a long esker ridge (glacial landform of stratified sand and gravel) running roughly north south, rising to approximately 8m over road level at maximum height. Arable land lies to the west of the esker ridge and bogland to the east. To the south of the site is recorded archaeological monument GA018:015.
- 1.2. There has been some previous quarrying activity on the southern part of the site with historical quarrying on the esker ridge to the north and south of the site also evident. There is a cluster of dwellings (some derelict) and outbuildings to the west opposite the site and a number of scattered rural dwellings farmhouses and farm buildings to the north and south.

2.0 Proposed Development

- 2.1 The application as set out in public notices¹ involves permission “to retain and complete the extraction of sand and gravel deposits and reinstatement of lands and associated siteworks.” Application details indicate a total area for extraction of 1.742ha (Retention and completion area 0.99ha and permission area 0.752ha).
- 2.2 The life expectancy of the development is approximately 3 years. It is proposed that deposits of gravel will be removed by direct dig and carry methods, involving mechanical diggers and loading shovels. It is proposed that material will be

¹ I note site notice contains a typographical error in its description of the development as “*Permission sought to retain and complete the extraction of sand and grass deposits and reinstatement of lands.*”

excavated and directly loaded to lorries which will then transport materials to a processing site the location and details of which are not provided.

- 2.3 The total volume of sand and gravel deposit is approximately 150,000 cu m. It is proposed to extract approximately 50,000 cu m per year for 3 years (equivalent to 80,000 tonnes per annum) 3,500 lorry loads. Operating 48 weeks per year the estimated traffic will be approximately 72 loads per week over 6 days which is 12 loads per day. Application details indicate that the development will be operated by the lorry driver who will operate the loading shovel to load his lorry and remove from the site. Map submitted with the application highlights 11 lay by /pull in areas and upgrade the local road during the course of the extraction period in agreement with the local engineer. A 5m wide footpath is proposed along the southern boundary to enable access to the Recorded Monument GA018-015. Security fencing 2m high is to be provide to the roadside perimeter and adjacent to the proposed footpath. A wheel wash is to be provided on the site. No onsite buildings or welfare facilities are proposed.
- 2.4 The area will be reinstated to agricultural land to levels compatible with surrounding land using stored deposits of topsoil following cessation of extraction activities.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 Following an initial request for additional information with regard to legal interest in lands required for the provision of passing bays and sections through the site showing before and after scenarios, Galway County Council issued notification of the decision to grant permission subject to 10 conditions which included the following:
- Condition 2 A 30m buffer zone to be established between the development and the external perimeter of recorded monument GA018-015.
 - Condition 3. Surface water generated by the development to be disposed of within the site.

- Condition 4. Development shall not increase the likelihood of flooding.
- Condition 5. Depositing of soil and or stripping of soil shall not be conducted during or immediately following periods of heavy or prolonged rainfall All stockpile areas of sand gravels and soils shall be stored on level terrain and covered during heavy rainfall periods in order to prohibit the mobilisation of sediments. In case of materials being brought on site, source shall be free of invasive species.
- Condition 6. Excavation on site shall not be reduced below the levels as indicated on the cross section on the contour survey and site sections drawing.
- Condition 7 A suitable water sprinkler / wheel wash system shall be installed on site to prevent dust blows etc. in accordance with the details as submitted.
- Condition 8. Adjacent watercourses shall be protected from the deposition of silt clay or other effluent from the development.
- Condition 9. No process blasting or washing of sand within the site.
- Condition 10. After the works have been carried out the site shall be reinstated to agricultural use. It shall be suitably top soiled and seeded.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- 3.2.1.1 Planner's initial report notes HGV traffic arising will impact on road capacity and safety and questions the applicant's legal interest in respect of passing bay arrangements demonstrated in the application. A request for additional information was recommended to address this and to include cross sections through the site to demonstrate before and after levels. Final report recommends permission subject to conditions.

3.3 Prescribed Bodies

- 3.3.1 Department of Culture Heritage and the Gaeltacht submission indicates no objection subject to provision for a 30m buffer zone between the development and external

perimeter of the recorded monument GA018-15 Children's Burial Ground. No ground works for construction landscaping or boundary works within 30m buffer zone. Should archaeological material be found during the course of construction the applicant to notify National Monuments Service of the Department of Culture Heritage and the Gaeltacht and the National Museum of Ireland and shall be prepared to be advised by them in relation to appropriate resolution.

3.4 Third Party Observations

3.4.1 Submission by Matthew Mahon and Diane Mahon express concerns regarding the processing site for the extracted sand and gravel. Information should be provided on the location of the processing site to ensure that this is fully authorised.

4.0 Planning History

16130 Application to retain and complete the extraction of sand and gravel deposits and reinstatement of lands. Withdrawn.

10302 Application to retain and complete the extraction of sand and gravel deposits. Permission sought for (1) mobile washing plant and silt holding tank (2) bunded diesel tanks (3) mobile office and portable toilets (4) Wheel wash (5) car parking and security fencing (6) the reinstatement of lands and associated site works and services. Withdrawn.

5.0 Policy and Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2016-2021 refers.

- Chapter 6 Water, Wastewater Management and Extractive Industry.

The resource-based nature of aggregates is recognised as is the importance to local rural economic development of the County in terms of generating employment and

providing raw material to the construction industry. The Council will facilitate harnessing the potential of the area's natural resources while ensuring that the environment and rural and residential amenities are appropriately protected.

- 6.2 Mineral Extraction and Quarries
- Policy EQ1 Environmental Management Practice.
- Policy EQ2. Management of Aggregate Extraction.
- Objective EQ4 Compliance with Article 6(3) of the EU Habitats Directive,
- Chapter 9 Heritage, Landscape and Environmental Management
- Objective NHB7 Eskers

“Assess applications for quarrying and other proposed developments that are in close proximity to eskers that have the potential to impact on their landscape, scientific or amenity value.”

- DM Standard 37: Extractive Development

5.2. Natural Heritage Designations

5.2.1 The site is not within a designated site. The closest designated sites in the vicinity include Lisnageeragh Bog and Ballinastack Turlough SAC(3km) Lough Corrib SAC(2.5km), Lough Lurgeen Bog /Glenamaddy Turlough SAC(3km). Williamstown Turloughs SAC(5km).

5.3. EIA Screening

5.3.1 The site is sub threshold for the purposes of EIA. Category 2.2(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 provides that an EIS shall be prepared in respect of a planning application for the following development: *“Extraction of stone, gravel, sand or clay where the area of extraction would be greater than 5 hectares”-*
Category 13 Changes, extensions, development and testing:
(a) Any change or extension of development, which would:
(i) Result in an increase in size greater than
- 25 per cent, or
- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.”

5.3.2 Schedule 7 of the Planning and Development Regulation 2001, as amended, refers to the criteria for determining whether a development would or would not be likely to have significant effects on the environment as set out in Annex III of the EIA Directive 97/11/EC that is the characteristics of the proposed development, location of the proposed development and characteristics of potential impact. It is necessary for there to be a finding that there will not be any significant effects on the environment having considered all the above for a decision to be taken that sub threshold development does not require EIA.

5.3.3 I consider that based on the limited nature of the development and characteristics of potential impacts and absence of potential to affect an environmentally sensitive location significant effects on the environment are not envisaged and the development and development for retention do not trigger the requirement for EIA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Matthew and Diane Mahon, Flaskaghbeg Dunmore. Grounds of appeal are summarised as follows:

- Concerns raised in submission regarding location of processing site were not investigated by the Planning Authority.
- Note that there is an unauthorised sand and gravel processing site in the village of Flaskaghbeg² owned by the applicant.

² I note that the townland of Flaskaghmore is located approximately 8.2km to the northwest of the appeal site.

- Significant issues with regard to ongoing noise and dust pollution. Enforcement Notices issued by Galway County Council on 22 November 2018 requiring all activity to cease on 14 December 2018.
- On 18 December Galway County Council granted permission to remove sand and gravel at Eskeromullacaun to an unknown processing site. Location should have been clarified to ensure that appropriate authorisation is in place.

6.2. Applicant Response

6.2.1 The response of the first party to the appeal asserts that the appeal has no relevance to the site under planning reference 18/1163 at Eskeromullacaun.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1 Observations are submitted by Malachy and Marian Keaveney, Peter & Teresa Keaveney and Damian & Ethel Keaveney landowners and residents along the local road from which the appeal site takes its access.

- Note application for leave to appeal was refused on 7/2/2019 (ABP303478).
- Applicant has not obtained legal interest in respect of 11 pull in points.
- List of names supplied in response to the request for additional information does not represent all relevant landowners.
- Photographs of pull in areas do not depict all 11 pull in points.
- Negative impact on residential and other amenities arising from HGV traffic movement and devaluation of property.
- Pull in points are inadequate in case of two meeting HGV loads.
- Increased maintenance costs on local roads.

- Nature of application “retention” is questioned as no previous quarrying carried out on this site.

6.5. Further Responses

6.5.1 Response by James O Donnell Planning Consultant on behalf of the first party to the observers’ submission is summarised as follows:

- Notes that in terms of potential impact on landscape value, the proposed development will affect an isolated esker ridge of limited extent within a Class 1 (Low) sensitivity landscape area. Limited excavation – no adverse impact.
- Habitat survey concluded that there are no significant impacts predicated for the proposed development and no mitigation measures are proposed.
- Works will not affect the fenced Children’s Burial Ground to the south east corner of the Site (GA018-015). Dedicated pathway to the monument proposed as part of the application has the potential to enhance the amenity value of this monument post construction and restoration.
- Lands proposed to be reinstated to agricultural land use to levels compatible with surrounding levels using stored deposits of topsoil.
- Dept of Arts Heritage and the Gaeltacht confirmed no objection in principle subject to provision of 30m buffer zone.
- Three landowners of existing pull ins/passing bays along the access roadway refused to provide written consent to the applicant.
- In the interest of clarity and to demonstrate relevant landowners copies of relevant folios and updated consents are appended. 11 pull in locations are available along the 1.1km stretch of local road between the site and junction with the Regional Road to the south which is more than sufficient to cater for opposing traffic movements.
- Planning permission for the proposed development is not reliant on consent of the observers³ to utilise existing pull ins along their respective properties. (Pull in A is

³ Observers are referred to as appellants within the first party response. However as outlined above the application for leave to appeal made by the Observers ABP303478 was refused on 7/2/2019.

owned by Malachy and Marian Keaveney and pull in B owned by Damian and Ethel Keaveney.)

- Set backs along the roadway provided as conditions of relevant permissions for dwellinghouses and have been used habitually by members of the public including the first party for 15-20 years. The first party has a right to use these pull ins which in any case is a civil matter and not a planning matter.
- Estimated up to 12 lorry loads per day is a modest level of activity and trip generation. Impact is temporary.
- Local road will be maintained and upgraded as necessary during course of the extraction period in consultation with the Local Roads Engineers.
- Applicants willing to carry out a falling wheel deflection analysis of the road on an annual basis and carry out any repairs deemed necessary by the Council.
- A wheel wash and underbody wash facility will be located at the entrance to the site. and warning signs to be erected at the approaches to the entrance.
- The development will not result in a traffic hazard ill have no material affect the enjoyment of lands. Applicant willing to maintain and upgrade the road during the extraction period should the Board wish to include a condition in this regard.
- In relation to nature of application as one for retention – as the extraction on the site was subject to Enforcement Notice Ref No EN09/291 the application for retention to regularise is the correct procedure.

7.0 Assessment

7.1 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues for deliberation may be considered under the following broad headings:

Procedural Issues

Principle of Development

Traffic Impact, Visual Impact and Impact on the Amenities of the Area including cultural heritage

Ecology and Hydrology

Appropriate Assessment

7.2 Procedural Issues

7.2.1 I note a number of items arise in the context of procedural issues. As outlined at Section 2.1 above a typographical error in the public site notice erected on the site described the development as “*Permission sought to retain and complete the extraction of sand and grass deposits and reinstatement of land*” [Emphasis added]. This was inconsistent with the accurate description provided in the Connacht Tribune “*Permission sought to retain and complete the extraction of sand and gravel deposits and reinstatement of land and associated siteworks*” [Emphasis added]. Notwithstanding the error I consider that any interested party would have investigated the details of the proposal by way of inspection of the planning application at the offices of the Planning Authority or interrogation of the Council’s online planning systems to inform themselves of the precise detail of the proposed works. It is therefore my view that any third party is unlikely to have been misled by the typographical error on the public site notice.

7.2.2 On the question of validity of the appeal I note that the First Party in response to the grounds of appeal asserts that the “*appeal by Matthew and Diane Mahon of*

Flaskaghbeg Dunmore, has no relevance to the applicant's (Martyn's Grass Lands Ltd) site under planning reference number 18/1162 at Eskeromullacaun." Whilst the third-party appellants submission indeed outlines a number of concerns with regard to a sand and gravel processing site at Flaskaghbeg, it is in the context of their stated concern that this processing site is the intended destination of sand and gravel to be excavated on the appeal site. The third-party appeal queries the absence of clarification within the application with regard to the intended processing site and the failure by the Planning Authority to seek clarification on this issue. Therefore, whilst issues raised with regard to operations on the site at Flaskaghbeg are beyond the Board's consideration in the context of the appeal, the matters raised in relation to the appeal site (traffic and amenity impact) are valid planning issues and therefore I consider that the appeal is a valid one.

7.3 Principle of Development

7.3.1 The Quarries and Ancillary Activities Guidelines, April 2004, and the Galway County Development Plan 2016-2021 recognise the importance of sand and gravel extraction in both economic and employment terms. Policy EQ 2 - Adequate Supply of Aggregate Resource seeks to ensure adequate supplies of aggregate resources to meet future growth needs within County Galway, to facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses. Little detail is provided within the application in respect of the destination of the proposed sand and gravel deposits however, I am satisfied that there is a need for such resources and the proposed development does not raise any fundamental conflict with National Policy and the Development Plan and it is appropriate to proceed to consider the development of the proposed development on its planning merits.

7.4 Traffic Impact, Visual Impact and Impact on the Amenities of the Area including Cultural Heritage

7.4.1 On the question of traffic impact, I note that the information submitted predicts traffic levels in the order of 12 lorry loads per day. I note that the road serving the site is

largely single carriageway and has a number of other constraints. It currently serves both residential and agricultural traffic. In this context level of traffic as predicated may not be unduly significant. I note that the initial application details proposed that the developer would provide passing bays as part of the development. However, in this regard the information submitted is entirely unclear and contradictory with regard to the specific proposals for road improvement and maintenance. I note for instance that road map submitted with the application indicated a passing bay / setback area (labelled 11) located on the southern part of the appeal site. This is not however shown in terms of arrangement and boundary treatment proposals indicated on the site layout plan. A similar extensive setback area (labelled no 4) was shown on initial plans submitted to the Planning Authority on 16 August 2010 however specific proposals were not outlined and not included within pull ins submitted in response to the appeal. I would further express some concern that roadside boundary hedgerow removal should be minimised in the interest of rural amenity and ecology. I further note that letters of consent merely refer the relevant landowners having no objection to the use of existing hard shoulder/pull in areas. I consider that proposals with regard to passing bays are entirely unclear and in the absence of further detail I consider that it has not been demonstrated that the proposed development would not give rise to traffic hazard.

7.4.2 On the issue of legal entitlement with regard to the use of established roadside verge areas as passing bays I note the first party contention with regard to established use rights. Issues regarding legal interest are essentially a civil matter and not strictly a matter for determination within the scope of planning legislation. In this regard I would refer the parties to Section 34(13) of the Planning and Development Act 2000, as amended as follows: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development.”*

7.4.3 As regards visual impact I note the location of the site within a Class 1 landscape area where landscape sensitivity is deemed to be low. I consider that that the visual will be localised. There are a number of dwellinghouses in close proximity to the site which will have open views of the site. Landscaping berms and retention of established hedgerows could mitigate the visual impact arising. However, the application fails to provide detail in this regard. I have some concerns with regard to

the proposed 2m high perimeter security fencing which would appear out of character in a rural area and I would be of the view that given the nature of the operation proposed on the site a more progressive excavation and restoration could minimise the extent of hard boundary treatments with better use of planted berms and landscaping. In my view such matters would require more detailed consideration by the applicant.

7.4.4 As regards other impacts on residential amenity it is outlined that noise impacts will be reduced through earth mounds on the perimeter of the site which will act as a natural buffer. Dust will be controlled by either paving any internal road surfaces, water spraying or wheel wash facilities for vehicles leaving the site. It is suggested that monitoring will be carried out however no detail is provided.

7.4.5 As regard impact on cultural heritage, I note the Archaeological Assessment prepared by Arch Consultancy Ltd. It documents the location of the recorded archaeological monument (Children's Burial Ground GA018:015) within the site on the slope of the esker ridge. The interior of the monument site is heavily overgrown and there is no evidence of grave markers. The area is roughly rectangular and delimited by a concrete post and wire fence enclosing an area c9m x 9m. Local information suggests that there is knowledge of burials at this location in the last century. The report notes that the archaeological walkover survey undertaken in June 2010 noted the removal of soil to the gravel layer to within 10-15m from the fenced off area delimiting recorded archaeological monument. The exposed section to the east of the monument is reduced to a maximum of 1.2m however no features of archaeological significance were visible in the exposed section face. It is deemed unlikely that disturbance to date has affected the burial ground.

7.4.6 Two other archaeological sites within the townland of Eskeromullicaun are noted. To the west is unclassified monument GA018:016 known locally as 'Clogh an Bhreithinas' (judgement stone) consisting of a larger rectangular boulder at which

people accused of attending mass during Cromwellian times were tried. To the South of the site is a circular enclosure GA018/014.

7.4.7 To mitigate impact on the Children's burial ground it is proposed that a buffer area where no excavation will be undertaken be provided within 30m of the monument. Side slopes along the boundary shall be taken down to quarry floor at a slope of not less than 1:1. A robust security fence will be erected around the monument and a pathway provided to access the protected monument. The report notes that the impact of the removal of the esker on the overall setting of the monument should be considered.

7.4.8 On balance I consider that negative impact on the amenities of the area could be mitigated however I am not satisfied that the level of information provided enables complete consideration of the effects of the proposal. I note the grounds of appeal with regard to the intended destination of sand and gravel extracted from the site and I would concur that in order to enable full assessment of the proposal and to review cumulative effects such information should be provided.

7.5 Ecology and Hydrology

7.5.1 As regards impact on flora and fauna the site is not covered by any nature conservation designation. A habitat survey prepared by Moore Group Environmental Services dated June 2016 accompanies the application. It describes the site - an inland esker site dominated by grassland, improved agricultural grassland, semi improved grassland, wet grassland and dry calcareous grassland. Habitats adjacent to the site are oak, ash, hazel woodland, dry calcareous grassland and tilled land. Two inactive and possibly one active badger sett were noted in the adjacent woodland. Wood Pidgeon, blackbirds, magpie and common frog were noted on site.

7.5.2 The extraction area is an esker with dry calcareous grassland (GS1) with a small area of Oak-Ash-Hazel woodland (Hazel dominated) (WN2) and Scrub (WS1). For the most part the scrub is dominated by *Ulex europaeus* (common gorse). Some wet

grassland (WS4) also which was deemed to be species poor with areas of bare soil frequent. One small area (close to adjacent peatland) was more species rich with a higher proportion of sedge species and forbs. The grassland area designated for stock pile of soils for noise buffer has a mosaic of poor quality dry calcareous grassland and semi improved grassland. The area surrounding the children's burial ground is poor quality dry calcareous grassland with (GS1-PQ) with a number of indicators of semi-natural grassland such as *Trifolium pratense*, *Plantago lanceolate* and *Lotus corniculatus*. Japanese Knotweed was noted on the field boundary adjacent to the road.

7.5.3 In terms of site evaluation, it is asserted that as the site comprises a species rich dry calcareous grassland that is poorly managed (scrub encroachment and high levels of poaching) the development site is considered to be locally important and the permanent loss is not significant. No significant species disturbance impacts are predicted. In terms of indirect impacts detrimental change in groundwater quality considered unlikely given the enclosed nature of the site and nature of extraction being sand and gravel. Whilst it is asserted that there will be no storage of diesel and oils on site it is elsewhere proposed that machinery will be refuelled by mobile bunded bowser at a designated area to be surfaced with 150mm layer of dust/sand at the ground level to ensure no contamination and ensure that any spillages can be collected. It is proposed that an Environmental Management System appropriate to the scale of the quarrying operation will be put in place however no details are provided.

7.5.4 I consider that the while the proposal is generally acceptable in ecological terms and that based on my site inspection and on information available on file, there is no evidence to suggest that the proposed development would have any specific undue detrimental effect on the flora and fauna of the area outside the area directly affected by extraction activities however I consider that further detail should be provided regarding the Environmental Management System and refuelling arrangements for on site machinery.

7.5.5 As regards hydrology, a flood risk Assessment is provided compiled by Hydro S Engineering, Hydrology Consultants dated September 2016. It notes the location of

the drain bordering the site which connects to the stream at the north corner of the site. The area is underlain with limestone bedrock and karst features present within the area. There is no record of flooding on the site. Flood risk due to fluvial flooding is deemed insignificant and extraction up to road levels will not expose the site to fluvial flood risk. Pluvial flooding is not relevant and groundwater flooding is not envisaged due to karst features at the site. No mitigation measures are proposed.

7.6 Appropriate Assessment Screening.

7.6.1 The application is accompanied by a Report for the purposes of Appropriate Assessment Screening compiled by Moore Group Environmental Services. It notes that the nearest European site with potential connectivity is the Lough Corrib SAC which at its closest point is approximately 2.6km west of the proposed development. The potential connectivity to Lough Corrib SAC is via Loughpark Stream which is adjacent to the northernmost extent of the land ownership boundary. It is asserted that as the proposal is for a “dig and carry” operation and a minimum of approximately 30 metres of grassed area separates the proposed extraction areas

from Loughpark Stream there is no relevant hydrological or meaningful biological connectivity to Lough Corrib SAC.

7.6.2 European Sites within 15km

Site Code	Site Name	Distance
000218	Coolcam Turlough SAC	7km
000255	Croaghill Turlough SAC	7km
000285	Kilsallagh Boh SAC	6.km
000295	Levally Lough SAC	12km
00296	Lisnageeragh Bog and Ballinastack Turlough SAC	3km
00297	Lough Corrib SAC	2.6km
000301	Lough Lurgeen Bog /Glenamaddy Turlough SAC	2.5km
000326	Shankhioll West Bog SAC	11km
001242	Carrownagappul Bog SAC	13km
002110	Corliskea/Trien/Cloonfelliv Bog SAC	10km
002197	Derrinlough (Cloonkeenleananode) Bog SAC	10km
002296	Williamstown Turloughs SAC	5km
002347	Camderry Bog SAC	10km
002350	Curraghleanagh Bog SAC	10km

7.6.3 No hydrological connectivity or meaningful biological connectivity to any European sites located within the potential zone of impact of the project is identified and it is asserted that all European sites can be excluded from the requirement for appropriate assessment at preliminary screening stage. A finding of no significant effects report is presented. I consider that based on the information provided regarding the proposed development the conclusions of no significant impacts on the qualifying interests or conservation objectives of the European sites within the zone of potential interest is reasonable. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the site's conservation objectives and a stage 2 appropriate assessment and submission of an NIS is not therefore required.

8 Recommendation

8.1 The development is an extractive process, which is resource based and therefore tied in relation to location. Notwithstanding the above, it should be recognised that

the proposed development has the potential to result in an appreciable loss of amenity for the properties in the vicinity. I consider that the level of information provided is deficient in terms of enabling full assessment of impacts and devising appropriate mitigation. Furthermore, I am of the view that in the absence of specific proposals with respect to the local road serving the site it has not been demonstrated that the proposed development would not give rise to traffic hazard. based on the information submitted the I recommend that permission be refused for the following reasons and considerations.

Reasons and Considerations

Having regard to the substandard alignment of the public road network in the vicinity of the site, and in the absence of definitive proposals for the necessary works to improve this stretch of road, it is considered that vehicle movements generated by the proposed development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

26th April 2019