



An
Bord
Pleanála

Inspector's Report

ABP-307791-20

Development

Construction of a Concrete Batching Plant on and adjacent to a Quarry site previously approved under Planning Reference 06/2275 and An Bord Pleanala Reference PL.07.222783. The Planning Application is accompanied by a Natura Impact Statement (NIS).

Location

Cartron, Belclare, Tuam, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

20419

Applicant(s)

Mortimer Quarries Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Dr. Therese Shryane

Date of Site Inspection

14th October 2020

Inspector

Colin McBride

1.0 Site Location and Description

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. 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. 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. 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. 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. The subject site occupies the north eastern corner of the overall quarry site. The appeal site, has a stated area of 0.16ha, 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 Permission is sought for 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 PL07.222783. The proposed development is ancillary to the main quarry and it will include the following: wash-down/Surface Water Collection System and Wash water recovery tanks; Concrete Block Making and Storage Facility and all associated ancillary site services.

2.2 The plant is to be located at the north eastern corner of the site and the existing quarry complex. The proposal will consist of two areas, the concrete batching plant location and a concrete hardstanding area for storage of blocks, the concrete batching plant location will consist of 880sqm concrete slab foundation and will be used for a wash-down area. The concrete batching plant will consist of three silos with a total max height of 16.45m. The input material will include water, sand, gravel and cement. The aggregates will be held in storage tanks, with water required for production sourced from an on-site borehole and stored in a water tank. Plant machinery will have dust collector and be enclosed to reduce dust emissions and potential for contamination of surface water. Wash-down run-off will be collected in channels surrounding the perimeter of the slab and discharged into recovery tanks via gravity flow. All wash-down runoff will be recycled and reused in the manufacturing process. Overflow will be directed via a sump pump to a storage tank at the batching plant, this ensures an enclosed recirculating water system. Settled solids from the recovery storage tank will be removed at regular intervals and mixed through quarry run-rock. It is estimated that the production output per annum will consist of approximately 5000m³. There will be an increase of traffic as a result of the production estimated to be approximately 4 no. return trips per day which is stated as being within the permitted traffic volumes for the existing quarry. Noise levels are stated to be within the permitted noise levels specified for the quarry.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission granted subject to 8 conditions. Of note are the following conditions...

Condition no. 3: 10 year permission specified.

Condition no. 4: Batching plant to operate ancillary to main adjoining quarry and is not to be an intensification of the existing quarrying activity.

Condition no. 7: Mitigation measures outlined in the NIS to be implemented.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Report (03/07/20): The proposal was considered be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Environment section (01/07/20): Condition to be attached in event of a grant of permission including a further dust monitoring location to be provided and noise monitoring to be carried out. Further information was recommended regarding blasting as raised in submissions.

3.3. **Prescribed Bodies**

3.3.1 None.

3.4. **Third Party Observations**

3.4.1 Two submission were received from...

Dr. Therese Shryane, Caherhugh, Tuam, Co. Galway.

Katherine Greene & Lillian Greene, Claretuam, Tuam, Co. Galway.

The issues raised can be summarised as follows...

- Concerns raised regarding environmental impact, impact on local water sources and local in an area underlain by a vulnerable aquifer, traffic impact of due to intensification of activity and over-intensification of industry in a rural area.

4.0 Planning History

4.1 ABP-301057-18: Permission refused to construct 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. Refused based on two reasons...

1. On the basis of the information provided with the application and appeal, the absence of any examination of the potential for groundwater discharges from the subject site and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development either individually, or in combination with other plans or projects, would not be likely to have a significant effect on European Site Number 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 considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2 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).

4.3 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.

4.4 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. 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), 3.6km from the site.
Lough SPA SPA (Site Code: 004042), 9.2km from the site.
Shrule Turlough SAC (Site Code: 000525), 11.9km from the site.
Cloughmoyne SAC (Site Code 000479), 14.1km from the site.
Levally Lough SAC (Site Code 000925), 15.1km from the site.
Derrinlough (Cloonkeenleananode) Bog (Site Code: 002197), 22.4km from the site.
Monivea Bog SAC (002352), 20.4km from the site.
Williamstown Turloughs SAC (Site Code: 002296), 27.1km from the site.

5.3. EIA Screening

5.3.1 Projects that are likely to have significant effects on the environment are identified in Annex I (mandatory EIA) and Annex II (possible EIA) of the EIA Directive. These Annex have been transposed into Irish legislation by Part I and Part II, Schedule 5 of the Planning and Development, 2001 (as amended). The provision of a concrete batching plant is not a category of development under Part I and Part II, Schedule 5 of the Planning and Development Regulations, 2001 and there is no mandatory requirement for Environmental Impact Assessment.

5.3.2 Having regard to nature of the development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Dr. Therese Shryane, Caherhugh, Tuam, Co. Galway. The grounds of appeal are as follows...

- The appellant raises concerns regarding water pollution due to the nature of activity and the vulnerability of the receiving environment.
- The NIS//Hydrology report is inadequate in the lacking of testing of existing groundwater quality to establish if current operations on site have impacted such. It is noted that the main quarry permission has a requirement for the provision of boreholes and that the sampling data provided was carried out in summer and data from group water scheme is out of date. There is also a lack of condition requiring groundwater monitoring on the grant of permission.
- It is noted that the road network in the vicinity of the site are not suitable for the HGV traffic generated by the existing quarry in addition to the increased movement likely to be generated by the proposal. There is a lack of traffic survey provided and no condition was attached limiting traffic movements.

- In relation to condition no. 4 (operating ancillary to existing quarry), it is noted that it is impossible to comply with such and that additional blasting and crushing will be required to supply the new development. The appellant notes that the proposal includes two separate batching plants and not one as per the site and public notices.
- The vulnerability of large concrete sludge containment tanks to explosive charges in the two quarries is an ongoing concern of the appellant.

6.2. Applicant Response

6.2.1 A response has been submitted by Earth Science Partnership (Ire) Ltd on behalf of the applicant, Mortimer Quarries.

- The applicant submitted a response that includes a report addressing the concerns of the appellant regarding groundwater pollution. The report notes that water management system on site and proposed as part of the development are sufficient to prevent run-off and that the scale of the development in the context of catchment area is small. It is noted based on the data available that status of the underlying ground water is good based on EPA data. It is note that there no cause for concern regarding impact on water quality in regards to the proposed development.
- The assessment of the previous proposal on site under appeal ref no. ABP-301057-18 shows that the issue of traffic and the capacity of the road network was not considered to be a concern and the refusal reason related to other issues. It is noted that the existing quarry and proposed development will operate in line with authorised traffic movements from the quarry as conditioned under the parent permission (06/2275).
- The proposal will not result in intensification of activity as the quarry will continue to extract material in line with the permission granted under ref no. 06/2275 and traffic levels will be in line with permitted levels. The proposal is to sell a value added product reducing the requirement to sell material aggregate.

- In regards the blasting the applicant notes that there are guideline and standards in regards to such to prevent adverse impact on adjoining uses and that blasting vibration levels associated with the quarry are lower than the recommended guideline levels.

6.3. **Planning Authority Response**

6.3.1 No response.

6.4. **Observations**

6.4.1 No observations.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the relevant issues are as follows...

Principle of the proposed development

Visual amenity/adjoining amenity

Hydrogeology/water pollution

Traffic

7.2 Principle of the proposed development:

7.2.1 The proposal is to construct a concrete batching plant adjacent to a quarry site previously approved under planning reference PL07.222783. The proposed development is ancillary to the main quarry and it will include a wash-down/surface water collection system and wash water recovery tanks; concrete block making and storage facility and all associated ancillary site services. The proposal entails abstraction of water from an existing borehole within the quarry.

7.2.2 The plant is to be located at the north eastern corner of the site and will be part of existing quarry complex if permitted. As noted above there is an existing quarry in operation and the proposal is to be an ancillary activity using the aggregates extracted. I would consider that the principle of the proposed development is acceptable having regard to the impact of the proposal being satisfactory in the context of adjoining amenity, environmental impact, traffic impact, visual and landscape impact, and that the proposed development does not have a significant impact over and above that of the permitted quarry on site. These aspects of the proposal are to be addressed in the following sections of this report.

7.3 Visual Amenity/Adjoining Amenity:

7.3.1 The appeal site is part of lands that have a permitted limestone quarry. The nature of the site and topography of the landscape is such that the existing quarry is not highly visible within the surrounding landscape due to its sub-surface level, its location away from the public roads in the area and existing topography and vegetation. I would consider that the concrete batching plant would not be highly visible due to intervening topography. I would also note that the site is not in a landscape character area designated as being of special character. I am satisfied that the overall visual impact of the proposed development would be satisfactory at this location.

7.3.2 As noted above the proposal is for an activity ancillary to the existing permitted quarry at this location. I would note that the existing quarry is subject to a number of conditions under ref no. PL07.222783. These include conditions regarding noise, vibration and dust emission limit values as well as a condition regarding blasting activities. I would note that proposed development would be required to comply with such limits and the applicant has indicated that this will be the case. I would note that although there are a number of dwellings in the surrounding area such are not immediately adjacent the extraction area and I would consider that the existing emission limit values and conditions attached to the parent permission are adequate to protect adjoining amenity. I would note that in the event of grant of permission these conditions should be restated or a condition requiring compliance with

conditions to PL07.222783 be attached. I would note that traffic impact is dealt with in separate section below.

7.4 Hydrogeology/water pollution:

7.4.1 The previous proposal on site for similar development under ABP-301057-18 was refused on the basis that the Board could not be satisfied that the proposed development would not be likely to cause pollution to the regionally important karsified (conduit) aquifer (RKc), and considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. As noted above the site is underlain by a regionally important aquifer and in an area where the groundwater is extremely vulnerable. The aquifer is a karsified (conduit) RKc. and groundwater vulnerability in the area is classified as 'extremely vulnerable', 'rock at or near surface' or 'karst'. The EPA 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.

7.4.2 The applicant submitted a Hydrological & Hydrogeological Assessment in relation to the proposal. This report notes that the previous assessment of the development was incorrect in noting that the site is 3.5km from the Lough Corrib SAC at their nearest points in term hydrological connection. It is noted that the site is 3.5km down gradient of the Lough Corrib SAC and the River Clare and the actual downstream hydrological potential receptor distance between the quarry and Lough Corrib SAC is 10.5km.

7.4.3 The report acknowledges that the site and existing quarry is underlain by a regionally important aquifer and in an area where the groundwater is extremely vulnerable. It is stated that based on the available information including tests on the on-site borehole that existing groundwater quality is currently of a good status. The assessment in the report follows a source, pathway, target model. The report outlines the nature of activities on site and the underlying hydrogeological characteristics of

the area. The assessment includes consideration of group water schemes in the area and the Lough Corrib SAC and SPA. The assessment concludes that the proposed works do not pose a risk to groundwater quality, to group water scheme sources and would have no impact on the Lough Corrib SAC and SPA. The assessment notes that the existing water is designated of good status with the current operation of the quarry at this location and the proposed development would not increase risk in this regard. In relation to level of abstraction the report indicates that the proposed development will consume only 0.0015% i.e. $1/100^{\text{th}}$ of 1% of the annual recharge of the Clare/Corrib groundwater body and only 0.006% when the entire aquifer is considered and that this level is an inconsequential amount and would have no significant impact.

7.4.4 The assessment includes a conceptual site model based on the relevant information including the proposed development, underlying hydrogeological characteristics, group water scheme and proximity to both the Lough Corrib SAC and SPA. It is noted that the existing quarry is elevated significantly above the local groundwater table and at a considerable distance from downstream receptors. The existing quarry and appeal site is a significant distance from the nearest group water scheme source and the assessment concludes no risk and no potential harmful connectivity in regards to hydrology.

7.4.5 Permission was previously refused for the proposed development on the basis that the Board could not be satisfied that the proposed development would not be likely to cause pollution to the regionally important karstified (conduit) aquifer (RKc). The applicant has submitted information to counter such a view. I am satisfied that the information provided on file in the form of the Hydrological & Hydrogeological Assessment is sufficient in scope and detail to conclude that the proposal would have no adverse impact on groundwater quality. The proposal is for a concrete batching plant that is to use material from the existing authorised quarry rather than exporting the aggregates off site. The proposed development does not change the scope and level of quarrying permitted on site and uses the material excavated in a different manner. I would consider that subject to adequate mitigation measures to

prevent discharge of suspended solids or polluting materials that the proposed development would be acceptable in the context of water quality.

7.5 Traffic:

7.5.1 The information on file indicates that the concrete batching plant is to be ancillary to the existing authorised quarry at this location. 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).

7.5.2 The third party raises concerns regard increased traffic levels due to an intensification of use. 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. The planning authority have raised no concerns in relation to road capacity or traffic safety. I would consider that the public roads can accommodate the additional traffic generated by the proposed development and additional traffic should not be a reason to refuse permission.

8.0 Appropriate Assessment

8.1 A Natura Impact Statement Limited was been submitted by the applicant.

8.2. Screening

8.2.1 I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.

2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

8.2.2 Project Description and Site Characteristics

8.2.3 The proposed development is as described in the report above and in the application submissions.

8.2.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives: A number sites were identified within the vicinity of the site as well as located within the same groundwater body (Clare Corrib):

Lough Corrib SAC (Site Code: 000297), 3.6km from the site.

Lough SPA SPA (Site Code: 004042), 9.2km from the site.

Shrule Turlough SAC (Site Code: 000525), 11.9km from the site.

Cloughmoyne SAC (Site Code 000479), 14.1km from the site.

Levally Lough SAC (Site Code 000925), 15.1km from the site.

Derrinlough (Cloonkeenleananode) Bog (Site Code: 002197), 22.4km from the site.

Monivea Bog SAC (002352), 20.4km from the site.

Williamstown Turloughs SAC (Site Code: 002296), 27.1km from the site.

The assessment of connectivity between the proposed development/appeal site and the European site based on a source-pathway-receptor model determined that there are three European Sites that support potential connectivity to Mortimer's Quarry via groundwater conduits and preferential flow paths. These sites are

Lough Corrib SAC (Site Code: 000297), 3.6km from the site.

Lough SPA SPA (Site Code: 004042), 9.2km from the site.

Shrule Turlough SAC (Site Code: 000525), 11.9km from the site.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
000297 Lough Corrib SAC	3.6km form the site.	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p>

		<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>	
004042 Lough Corrib SPA	9.2km from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Gadwall (Anas strepera) [A051]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Pochard (Aythya ferina) [A059]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Common Scoter (Melanitta nigra) [A065]</p>	

		Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	
000525 Shrile Turlough SAC	11.9km from the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA: Turloughs [3180]	

8.2.5 Assessment of likely Effects:

The applicants Screening Report identifies there are possible effects based on the fact that site/Mortimer's Quarry has potential connectivity to via groundwater conduits and preferential flow paths to the designated sites and the potential to effect water quality. All other designated sites are outside of this preferential groundwater flow path for this area and do not support connectivity. It was concluded that significant effects cannot be ruled out on the Lough Corrib SAC, Lough Corrib SPA and Shrile Turlough SAC and that a Stage 2 Appropriate Assessment is required.

8.2.6 Screening Statement and Conclusions:

In conclusion having regard to the foregoing, 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 significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

8.3 Stage 2 Appropriate Assessment

8.3.1 The relevant sites are

Lough Corrib SAC (Site Code: 000297), 3.6km from the site.

Lough SPA SPA (Site Code: 004042), 9.2km from the site.

Shrule Turlough SAC (Site Code: 000525), 11.9km from the site.

Potential direct and indirect effects:

The submitted NIS predicts the following potential effects arising from the proposed development.

8.3.2 The assessment of potentially significant effects include...

Construction and operational phase outputs such as surface water run-off and release of deleterious material entering the groundwater body. Ongoing abstraction of from underlying groundwater body and cumulative effects on groundwater with other ongoing development, in particular extractive industries. Such would have significant effects on species and habitats dependent on maintaining a good level of water quality.

8.3.3 In relation to level of abstraction the file is accompanied by a Hydrological & Hydrogeological Assessment, which indicates that the proposed development will consume only 0.0015% i.e. $<1/100^{\text{th}}$ of 1% of the annual recharge of the Clare/Corrib groundwater body and only 0.006% when the entire aquifer is considered and that this level is an inconsequential amount and would have no significant effect on the designated sites.

8.3.4 Cumulative impact is considered with all developments in the vicinity identified including existing extractive industries.

8.3.5 Mitigation Measures

A number of mitigation measures are proposed during construction and operation. These include construction management including a construction compound and measures to prevent run-off and accidental discharges. During the operational phase measures are proposed to restrict and regulate surface water including attenuation, and recycling of surface water run-off and wash water to prevent any discharge of surface water or suspended solids. Measures are also proposed to prevent invasive species such as washing of vehicles and appropriate storage of materials on site.

8.3.6 It has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures including construction management and operational measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib SAC (Site Code: 000297), Lough SPA (Site Code: 004042) and the Shrute Turlough SAC (Site Code: 000525).

8.4 Appropriate Assessment Conclusions

8.4.1 I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib SAC (Site Code: 000297), Lough SPA SPA (Site Code: 004042) and the Shrute Turlough SAC (Site Code: 000525), or any other European site, in view of sites Conservation Objectives.

8.4.2 A Construction Environmental Management Plan, which incorporates all mitigation measures indicated in the Natura Impact Statement should be agreed between the

Council and the relevant statutory authorities prior to the commencement of development.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Galway County Council Development Plan 2015-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib SAC (Site Code: 000297), Lough SPA (Site Code: 004042) and the Shrulle Turlough SAC (Site Code: 000525 are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lough Corrib

SAC (Site Code: 000297), Lough SPA (Site Code: 004042) and the Shrute Turlough SAC (Site Code: 000525, in view of the site's conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

8.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Permission for the development subject to retention shall expire on the same date as the 20-year permission granted under An Bord Pleanála appeal reference number PL 07.222783 (planning register reference number 06/2275), that is, on the 07th day of May, 2028.

Reason: In the interest of orderly development.

3. The development proposed shall be operated in compliance with all of the conditions set out in the permission granted under An Bord Pleanála appeal reference number PL 07.222783 (planning register reference number 06/2275).

Reason: In the interest of orderly development.

4. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:

(a) Proposals for the suppression of on-site noise (in order to comply with conditions set out in this permission).

(b) Proposals for the ongoing monitoring of sound emissions at the site boundaries at locations to be agreed with the planning authority.

(c) Proposals for the suppression of dust on site and on the access road.

(d) Proposals for the ongoing monitoring of vibration at an agreed location with the planning authority.

(e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

(f) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of the planning authority to these details).

(g) Monitoring of ground and surface water quality, levels and discharges.

(h) Details of the site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility.

Reason: In the interest of orderly development and to safeguard local amenities.

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) A record of groundwater levels measured at monthly intervals.
- (b) A full record of all breaches over the previous year for noise, dust and water quality monitoring.
- (c) 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste. The construction management plan shall include the mitigation measures outlined in the Natura Impact Statement submitted with the application.

Reason: In the interest of public safety and the amenities of the area.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

02nd December 2020