Inspector's Report
ABP-308549-20

Development	Permission for 20 years to continue operating the existing quarry and all associated uses and activities.
Location	Barrettspark, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20499
Applicant(s)	Coshla Quarries Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First & Third Party
Appellant(s)	Coshla Quarries Ltd Brendan Dowling
Observer(s)	None
Date of Site Inspection	5th April 2023
Inspector	Mary Crowley

Contents

1.0 Site Location and Description

1.1. The site (27.5ha) comprises an existing, operational quarry with associated infrastructure located within the townland of Barretstown Park, approximately 6.5 kilometres to the west of Athenry. The site currently includes the existing quarry extraction area, haul roads, quarry floor sump, site office which also includes toilet and shower, canteen and staff room, machinery shed, concrete batching plants, loading silo/hoppers, wash down area, and truck wheel wash. There is an existing concrete settling tank and oil interceptor located in the centre of the operational quarry site. Existing landscaped and planted berms are located to the east and south of the extraction area.

1.2. The historical development of the quarry site has resulted in the majority of the site management infrastructure being located in the west and north of the site, close to the entrance to the site, with the main quarrying and rock extraction occurring at the eastern side of the site. Quarrying and rock extraction has progressively moved further south and east. The quarry floor is used for the storage of quarried and graded aggregates in preparation for their sale and transport offsite.

1.3. The extraction area as it currently exists has an exposed quarry face approximately 20 metres in height on its eastern, southern, and northern faces of the quarry, which has been worked in a single bench. The current quarry floor is at a level of approximately 5 metres below ordnance datum (mAOD). There is a bench at approximately 15m AOD on the western side giving a quarry face of approximately 10 metres in height.

1.4. It is intended to extend the extraction area using the adjacent land to the south, north and east. The total area of the proposed extension is approximately 67,000m2 or 6.7 hectares. All of the proposed extension area is within the same landholding. It is anticipated that the extraction within the quarry will take place over a 20-year period.

1.5. The M6 motorway is located approx. 150m to the south of the site. The R339 Regional Road is 1.1 km to the north of the site which connects to the quarry via the L7109 local road which is located approx. 300m to the east of the site. The quarry site is accessed from the north via a junction with Coshla Road (L7109) in the townland of Barrettspark. The quarry access road leading from the junction with the public road into the main extraction area is surfaced with tarmac. The quarry entrance is secured with vehicular

barriers. This local road also serves an ESB substation, C & F Tooling factory and Connaught Tipping Services which adjoins the appeal site to the east together with a number of rural houses and farm buildings.

1.6. A set of photographs of the site and its environs taken during my site inspection is attached. I also refer to the site photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 **Proposed Development**

2.1. Coshla Quarries Limited is applying to Galway County Council for a twenty-year planning permission for the continued operation of the existing quarry and all associated uses and activities, as well as for an extension to the existing quarry extraction area and all associated site works including landscaping arrangements at Barrettspark, Athenry, Co. Galway. The proposed quarry extraction area extension is on lands to the north, south and east of the existing quarry. The additional extraction area amounts to approximately 6.7 hectares.

2.2. It is not proposed to alter the existing infrastructure at the site or introduce any new methods of extraction or new types of plant items. The proposed quarry operations will include the following site related infrastructure which is similar to that used historically at the site. It is not proposed to alter the existing infrastructure at the site or introduce any new methods of extraction or new types of plant items.

- Site office which also includes toilet and shower, canteen and staff room;
- Machinery shed
- 2 no. concrete batching plants
- 2 no Loading silo/hopper
- 1 no. Wash down area
- 1 no. Mobile tracked excavator
- 2 no. Loading Shovels
- 2 no. crushers
- 3 no. screeners

- Wheel wash

2.3. The application was accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).'

2.4. **Further information** was submitted on **15th September 2020** by Alan Lipscombe Traffic & Transport Consultants. As part of the Road Safety Assessment a series of recommendations are proposed for the R339 / L7109 Junction summarised as follows:

- Junction warning sign on the R339 westbound approach to the junction, which was previously in place, should be reinstated. As this relates to general traffic it is submitted that this should be the responsibility of Galway County Council.
- Yellow edge of carriageway markings and hatching, together with green / white junction definition posts should be introduced to make junction more conspicuous and differentiate it from the residential accesses that are typical on the road. As this relates to general traffic it is submitted that this should be the responsibility of Galway County Council.
- Vegetation should be trimmed along the R339 to the east of the junction. As this relates to general traffic it is submitted this should be the responsibility of Galway County Council.
- Recommendation to introduce "Agriculture (or Other) Machinery" sign to warn of HGV movements (in lieu of HGV warning sign not being available). As this relates to HGV's it is considered that contributions from applicant may be applicable.
- There are potholes at the junction that require remedial measures. Given the relatively high level of carriageway maintenance required due to HGV movements compared to general traffic it would be reasonable that contributions from applicant may be applicable.
- Recommendation to relocate a telecom pole. The height of the damage at ground level suggest it was not caused by an HGV. Submitted that if Galway County Council require this to be replaced it is not clear that a contribution from the applicant should be applicable.

- Recommendation to replace junction marking more frequently than normal due to high percentage of HGVs. Submitted that it is reasonable to assume that contributions from Coshla Quarry may be applicable.

2.5. A Stage 2 Flood Risk Assessment concluded that no flood risks have been identified at the site, either from groundwater of surface water. An assessment of local sensitive receptors with regard to flood risk and the local hydrological regime, determined that the quarry operation poses no risk to the identified receptors.

2.6. A Site Restoration Plan and associated drawings has been prepared in accordance with the EPA's 'Environmental Management Guidelines in the Extractive Industry

2.7. A Peregrine Falcon Management Plan has been submitted which sets out the measures to ensure breeding peregrines at the site are not significantly impacted. Measures will be incorporated into the proposed expansion of the quarry to avoid and minimize any potential for impact on the species.

2.8. The further information was accompanied by the following documents:

- Road Safety Assessment of the R339 / L7109 Junction
- Site Restoration Plan
- Peregrine Falcon Conservation Management Plan
- Stage II – Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

1.	Comply with plans and particulars lodged with the application, as amended by the by the plans and particulars received by the Planning Authority on the 15th of September 2020
2.	Permission is for 10 years from the date of the order.
3.	a) All environmental mitigation measures identified within the Environmental Impact Assessment Report shall be implemented in full. b) The developer shall appoint an Environmental Manager

4.	a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 50 number (two-way movements). b) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view.
5.	No quarry Heavy Goods Vehicle (HGV) traffic shall use the access route involving the L-7109 local road and R348 regional road.
6.	a) A monitoring programme for noise, dust, vibration, air overpressure, groundwater and surface water discharge shall be submitted for approval. b) All hydrocarbon storage tanks shall be adequately bunded. c) Fuelling of vehicles, shall be carried out on an impermeable surface d) Noise levels at sensitive locations shall not exceed a Lag (1 hour) of 55dB(A) between 0800 and 2000 and an Laeq (15 minutes) of 45 dB (A) between 2000 and 0800. e) Dust levels at the site boundary shall be measured f) Methodology for notifying the public in advance and following the completion of a blast to be submitted g) Permitted discharge limits for surface water shall be set
7.	The Site Restoration Plan shall be fully implemented
8.	On-site operations shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive
9.	a) During the construction stage the developer must adhere in full to the waste management plan in place on site. b) Scrap metal and other waste material shall be removed at least annually from the site in accordance with the written requirements of the Planning Authority / Environment Section of Galway County Council.
10.	The wheel wash facility shall be used by all HGVs leaving the site..

11.	Special financial contribution of €25,000 for undertaking road improvement works at the junction of the L-7109 local road and the R339 regional road and on the L-7109 road at the entrance to the quarry.
12.	Financial contribution of €122,556.40 in accordance with the provisions of Section 48 of the Planning and Development Act 2000..
13.	€100,000 cash deposit, a bond of an insurance company, or such other security to secure the reinstatement of the effected road which may be damaged by the transport of materials to the sit

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. The **Case Planner** in their first report recommended that the following further information be sought in relation to:

1) Safety assessment of the R339/L7109 junction
2) Site-specific Flood Risk Assessment
3) A Restoration Plan
4) Conservation Management Plan (Peregrine Falcon)

3.2.3. The **Case Planner** having considered the further information submitted recommended that permission be granted subject to 13 no conditions. The notification of decision to grant permission issued by Galway County Council reflects this recommendation.

3.2.4. **Other Technical Reports**

3.2.5. **Environment Section** – In their first report they requested the submission of a Flood Risk Assessment and that conditions similar to those attached previously be complied with (carrying out daily road sweeping, notifying nearby residents of blast times and the creation of berms to mitigate against noise pollution). In their second report and having considered the further information submitted they expressed satisfaction with the response made to the points previously raised in relation to Groundwater and potential Flooding.

3.2.6. **Roads Section** – In their first report they requested the submission of a Safety Assessment of the R339/7109 junction. In their second report and having considered the further information submitted the Roads Section recommend a maximum of 10 years lifespan for the application, the total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 50 number (two way movements), a special contribution (€25,000) for undertaking road improvement works at the junction of the L-7109 local road and the R339 regional road, a €100,000 cash deposit / bond to secure the reinstatement of the effected road, a wheelwash facility to be used by all vehicles exiting the site and that no quarry Heavy Goods Vehicle (HGV) traffic shall use the access route involving the L-7109 local road and R348 regional road. The conditions in the notification of decision to grant planning permission included these conditions.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There are 5 no observations recorded on the planning file from

1) Brendan Dowling, Cashla, Atheny, Co. Galway.
2) Danny & Marian Potter, Carnmore West, Oranmore, Co. Galway.
3) John Paul McDonagh, Lackagh More, Turloughmore, Co.Galway
4) Noel & Sarah Hynes, Carnmore, Oranmore, Co. Galway.
5) Jacinta Greaney, Carnmore, Oranmore, Co. Galway.

3.4.2. The issues raised relate to the following;

- Noise/dust/air pollution
- Flooding/Flood risk
- Non-compliance with previous conditions
- Non-compliance with the Development Plan
- Effect on groundwater and natural heritage

- Traffic hazard
- Inadequate EIAR
- Land damage
- Building damage
- Water table

4.0 Planning History

4.1. **Reg Ref 06/4125** - Coshla Quarries Ltd. are the owners and operators of the quarry site located at Cashla, Athenry, Co. Galway. The quarry has been in operation since 2007 when it was granted planning permission as a 13-hectare quarry by Galway County Council in 2007

4.2. **Reg Ref 09/230 ABP 304769** - In 2011, An Bord Pleanála granted a 10-year planning permission for the operator to continue quarrying activities at the subject site, and to operate a concrete batching plant and a bitumen batching plant within the quarry site.

4.3. **Reg Ref 09/610** - Planning permission was granted in 2009 for the retention of a maintenance shed for quarry machinery (gross floor space 394sqm)

4.4. **Ref: 09/1958 ABP PL07.235821** – Permission refused for temporary asphalt batching plant and ancillary activities for reasons of traffic hazard and environmental pollution.

4.5. **Reg Ref 12/991 ABP 241241** - Permission for a temporary asphalt batching plant and ancillary activities for a period of five years or until the completion of the M17 M18 road projects or whichever comes first. Refused by An Bord Pleanála

4.6. **Reg Ref: 19/517 ABP 304769-19** - In October 2019 An Bord Pleanála granted retention permission for a concrete batching plant, which was an extension to the existing concrete batching plant permitted under Reg Ref: 09/230 and included for associated structures and hardstanding areas.

4.7. **Reg Ref 21859** - Galway County Council granted and **extension of duration** to continue quarrying with associated roads and ancillary services and to operate a concrete batching plant and a bitumen batching plant within the quarry. The 13 hectare extraction area and the 27.5 hectare site boundary remains identical to that

outlined in the existing quarry planning permission for Coshla Quarries Ltd (P06/4125). An Environment Impact Statement (EIS) will be submitted with the application.

4.8. The following enforcement history is noted from the Case Planners report:

- **EN17/212** - Warning letter issues for - Unauthorised access to quarry and Non-compliance with Condition No.22 of planning file reference 09/1958 (PL 07.235821) (environmental audit) - No update since 2017
- **EN17/036** - Warning letter issues for - Non-compliance with Condition No. 12 of planning file reference 09/1958 (PL 07.235821) (On-site operations, other than blasting operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive.)
- Non-compliance with Condition No.21 of planning file reference 09/1958 (PL 07.235821) (A wheelwash facility incorporating underbody power washing shall be used by all vehicles exiting the site.) - No update since 2017
- **EN18/038** - Alleged damage to structures from rock blasting - No further action taken

5.0 Policy Context

5.1. National Guidelines

5.1.1. National Guidelines Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004:

5.1.2. These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place. Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures.

5.1.3. **Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006:**

5.1.4. These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

5.2. Development Plan

5.2.1. The operative plan for the area is the **Galway County Development Plan 2022 - - 2028**. 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. The Council having regard to the substantial number existing number of quarries within the county has a stated preference for the continued sustainable extraction of these quarries over the development of new greenfield sites. **Chapter 4 Section 4.14 Mineral Extraction and Quarries** set out the following policies and objectives:

- **MEQ 1 Aggregate Resources** - *Ensure adequate supplies of aggregate resources to meet future growth needs within County Galway and the wider region and 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*.
- **MEQ 2 Protection of the Environment** - *The Planning Authority shall require the following in relation to the management of authorised aggregate extraction;*

  a) All quarries shall comply with the requirements of the EU Habitats Directive, the Planning and Development (Amendment) Act 2010 and by the guidance as contained within the DoEHLG Quarries and Ancillary Facilities Guidelines 2004, the EPA Guidelines 'Environmental Management in the Extractive Industry: Non-Scheduled Minerals 2006 (including any

updated/superseding documents) and to DM Standard 19 of this Development Plan;

b) *Require development proposals on or in the proximity of quarry sites, to carry out appropriate investigations into the nature and extent of old quarries (where applicable). Such proposals shall also investigate the nature and extent of soil and groundwater contamination and the risks associated with site development works together with appropriate mitigation;*

c) *(Require Development Proposals to assess the potential impact of extraction in areas where geo-morphological interest, groundwater and important aquifers, important archaeological features and Natural Heritage Areas are located.*

d) *Have regard to the Landscape Character Assessment of the County and its recommendations.*

e) *Ensure that any quarry activity has minimal adverse impact on the road network and that the full cost of road improvements, including during operations and at time of closure, which are necessary to facilitate those industries are borne by the industry itself.*

f) *Ensure that the extraction of minerals or aggregates does not adversely impact on residential or environmental amenity.*

g) *Protect all known un-worked deposits from development that might limit their scope for extraction.*

- **MEQ 3 Sustainable Management of Exhausted Quarries** - *Encourage the use of quarries and pits for sustainable management of post recovery stage construction and demolition waste, as an alternative to using agricultural land, subject to normal planning and environmental considerations.*
- **MEQ 4 Landscaping Plans** - *Ensure that all extractions shall be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to inert waste and sites shall be authorised under the appropriate waste regulations.*

5.2.2. **Chapter 15 Development Management Standards Section 15.3.5 Extractive Development** (DM Standard 18: Extractive Development) outlines details that shall be considered central to the determination of any application for planning permission for extractive development and includes guidelines, land ownership, deposits, methods, production, mitigation, access, rehabilitation, Environmental Impact Study (EIS), proximity, landscaping and screening, heritage and biodiversity and security of the site.

5.2.3. **Guidelines** - Compliance with the provisions and guidance, as appropriate, contained within Section 261 of the Planning and Development Act, 2000 (as amended), by Section 74 and Section 75 of the Planning and Development (Amendment) Act 2010, the DoEHLG Quarries and Ancillary Facilities Guidelines 2004 and the EPA Guidelines for Environmental Management in the Extractive Sector 2006. Where extractive developments may impact on archaeological or architectural heritage, regard shall be had to the DAHG Architectural Conservation Guidelines 2011 and the Archaeological Code of Practice 2009 (including any updated/superseding documents) in the assessment of planning applications. Reference should also be made to the Geological Heritage Guidelines for the Extractive Industry 2008 (including any updated/superseding documents) and the Guidance on Biodiversity in the Extractive Industry (NPWS).

5.3. Natural Heritage Designations

5.3.1. The development is not located within or directly adjacent to any Natura 200 sites, However 12 no Natura 2000 designated sites were identified within 15km of the site as follows:

1) Lough Corrib SAC (000297) 4km from the site.
2) Galway Bay Complex SAC (000268) 4.2km from the site.
3) Rahasane Turlough SAC (000322) 9.7km from the site.
4) Lough Fingall Complex SAC (000606) 12.1km from the site.
5) Castletaylor Complex SAC (000242) 12.4lm from the site.
6) Monivea Bog SAC (002352) 12.8km from the site.
7) Kilternan Turlough SAC (001285) 13.7km from the site.

8) Ardrahan Grassland SAC (002244) 14.4km from the site.

9) Inner Galway Bay SPA (004031) 6km from the site.

10) Creganna Marsh SPA (004142) 6.4km from the site.

11) Rahasane Turlough SPA (004089) 9.7 km from the site.

12) Lough Corrib SPA (004042) 11.3km from the site.

5.4. EIA Screening

5.4.1. An EIAR was submitted with the application as it exceeds thresholds specified under Planning and Development Regulations 2001-2018 Schedule 5 which sets out the categories and scale of development that require mandatory EIA.

5.4.2. The relevant classes/scales of development that normally require Environmental Impact Assessment (EIA) are set out in Schedule 5 (Part 2) of the Planning and Development Regulations 2001, as amended. The relevant class of development in this case relates to:

> "*Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares*", as per Item 2 (b) of the Schedule.

5.4.3. In addition, Paragraph 13(a) of Part 1 requires Environmental Impact Assessment where there is:

> "*Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension refer to in Part 1) which would:-*
>
> *i) result in the development being of a class listed in Part I or paragraphs I to 12 of Part 2 of this Schedule and*
>
> *ii) it 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*."

5.4.4. The EIAR study area measures approximately 27.7 hectares whilst the proposed extension area measures approximately 6.7 hectares bringing to total extraction area

to approximately 12.7 hectares. The extraction area is greater than 5 hectares is also an increase greater than 25% and is therefore subject to EIA.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The **first party appeal** has been prepared and submitted by MKO on behalf of the applicant and may be summarised as follows:

6.2.1. **Condition No. 2** - This condition has limited the duration of the operation of this development to 10 years. The assessment provided in the EIAR indicates that it will take 20 years to exhaust the quarry including the proposed extension. For this reason, a 20-year permission is being sought. The rationale is based on the considerable capital investment required to develop and extend the quarry activity. Furthermore, the demand for the products produced by quarries fluctuates in line with general economic growth and contraction. This means that in times of economic difficulty demand for material can fall drastically. Granting a 20-year permission provides more certainty that, even if demand is low for a number of years.

6.2.2. **Condition No. 4a** – This condition limits the number of HGV traffic movements serving the development to 50 no. (two-way movements). In 2011 An Bord Pleanála granted planning permission for the operator to continue quarrying (GCC Ref. 09/1958, ABP Ref. PL07/235821) but this permission was conditioned in such a way so as to restrict vehicle movements to 50 two-way movements per day. The reason for the imposition of this condition was the alleged deficiencies in the junction between the local road which serves the quarry and the regional road (R339) which it subsequently joins. In the intervening period this junction has been upgraded in accordance with relevant design standards. The Traffic Section in the enclosed EIAR refers. The assessment indicates that an increase from 50 two-way movements per day to 137 two-way movements per day can be accommodated with no resultant negative impact on the road network or on road safety. This planning application is therefore seeking an increase in the permitted movements to 137 two-way movements per day.

6.2.3. **Condition No. 12** – This condition requires the payment of a development contribution of €122,556.40. The Contribution Scheme has been misapplied in this instance. The

Galway County Development Plan Contribution Scheme states that the contribution to be levied on quarry pits is €17,000 per hectare. The development contribution levied should relate to the proposed extended area only as the existing quarry area will already have been the subject of a development contribution levy. As per the public notices the extended quarry area is approximately 6.7 hectares in area and therefore a development contribution of €113,900 is applicable in this case (€17,000 x 6.7ha).

6.2.4. **Conclusion** - The applicant welcomes the grant of planning permission from Galway County Council. Requested that An Bord Pleanála uphold this decision but with the amendments outlined above.

6.3. The **third-party appeal** has been prepared and submitted by Brendan Dowling and may be summarised as follows:

6.3.1. **Flooding** - The fact that flooding has occurred at the quarry site has not been taken into account and has been denied in the application (Question 17 refers). When the two earlier submissions to Galway County Council with the enclosed hydrology report and supporting photographs are examined, it demonstrates beyond doubt that the proposed development site and the surrounding area are prone to flooding and that there is a flood risk present at the proposed development site and surrounding area. Exhibits attached to the appeal, relate to a submission by a local Councillor accompanied by many written statements of local residents confirming the occurrence of a flooding event and that a Quarry had deliberately pumped flood waters from the quarry area into the surrounding lands (of which they were not the owners). The EIAR submitted to support the application for planning permission for the proposed development is, *inter alia*, deficient with regard to hydrology and flood risk.

6.3.2. **Access Junction R339 and L1079** - Condition Nos 1 and 25 of PL07.235821 (Junction R339 and L1079) comprising “road safety recommendations” have not at any stage during the life of the quarry’s current planning permission been complied with. Collisions have been taking place in the junction area. The works that have been carried out purporting to be compliant with the attached conditions and endorsed by Galway County Council are walls that do not comply with the County Development Plan, due to their destruction of the required visibility splays, vertical and horizontal. This unauthorised development is also relevant in this appeal to the Board, is because the ‘walls’ are directly tied into the planning permission conditions by Galway County

Council. No planning permission has been applied for or given for the walls/development and as such are unauthorised development. Permission or a proposed development, is prohibited from being granted permission due to the findings of the European Court of Justice ruling in *Commission of European Communities v Ireland* (Case -215/06) [2008] ECR I-4911. It is submitted that there is a traffic hazard present at said junction and that the dangers posed have not been addressed in the EIAR or the reply to further information.

6.4. Applicant Response

6.4.1. The first party response to the third-party appeal has been prepared an submitted by MKO Ireland and may be summarised as follows:

6.4.2. There appears to be a pattern of serial objection from the appellant in respect of a range of planning applications, in the locality, over a considerable period of time. While this does not prejudice the contents of the third-party appeal it is a matter of note.

6.4.3. **Flood Risk** - The proposed development has been the subject of a site-specific Flood Risk Assessment. The Planning Authority took this assessment into consideration in their decision and it is therefore considered reasonable to conclude that flood risk associated with the development has been the subject of careful consideration and assessment. The proposed development is not the subject of flood risk nor does it exacerbate flood risk elsewhere.

6.4.4. **Traffic** - The assessment undertaken of the road network and associated junction, as part of this planning application, indicates that an increase from 50 two-way movements per day to 137 two-way movements per day can be accommodated with no resultant negative impact on the road network or on road safety. Condition No. 11 of Galway County Council's notification to grant permission requires the payment of a special development contribution for undertaking road improvement works to the junction of the L-7109 local road and the R339 regional road. These works will further ensure that this junction will operate in a safe and efficient manner.

6.4.5. **Unauthorised Development** - It is alleged that there is a failure to comply with existing planning conditions in respect of the upgrade of the L7109/R339 junction. The applicant is not are aware of any condition compliance issues at this location.

Furthermore, there are no live enforcement proceedings on the part of Galway County Council in respect of this issue.

6.5. Appellant Response

6.5.1. The Third-Party Response to the First Party Appeal has been prepared and submitted by Brendan Dowling and may be summarised as follows:

6.5.2. **20-year duration** - During the past years operations at the subject quarry, there have been many breaches of the planning conditions. This has been evidenced in earlier submissions to Galway County Council and to the Board in my (third party) appeal. Should a 20 year duration be allowed, the danger to the public would be substantially increased

6.5.3. **Condition No.4a and 4b (limit on the number of HGV movements)** - The relevant and lawfully compliant visibility splays required for persons navigating and traveling through the junction area, either on the R339 or the L7109 are not available. The applicant has displayed a photograph taken from a height which purports to represent that of a HGV driver's seating position located at an unknown position and height - and not from the 'X' position and required height on the local L7109 road. There is a traffic hazard at the said junction which has been increased by the deliberate erection of an unauthorised development at the junction.

6.5.4. **Established traffic hazard** - It has already been established by the Board there is a traffic hazard present at the access junction R339/L7109. In planning permission number PL07.235821, the Board reduced the HGV movements to 50 each way in recognition of the traffic hazard that was present and placed conditions on that planning permission which have never been complied with.

6.5.5. **Non- compliance with Geometric Design of Maior/Minor Priority Junctions and Vehicular Access to National Roads in the EIAR** – The Traffic and Transport Assessment presented in the EIAR is not in accordance with Geometric Design of Maior/Minor Priority Junctions and Vehicular Access to National Roads guidelines. There is a traffic hazard present at said junction and a reduction of the traffic movements to aid traffic safety can now be achieved by denying permission for the proposed development.

6.5.6. **Road Safety Audit** – No Road Safety Audit has been either requested by Galway County Council or submitted by the first Party appellants, as stated. The applicant submitted a "Safety Assessment of the R339/L7109 Junction" - not a Stage 1 Road Safety Audit. No 'detailed assessment of HGV movements' or 'visibility splays' were submitted in the 'safety assessment'.

6.5.7. **Condition No. 12 (Development Contribution)** - The comprehensive details with regard to said contributions has been submitted earlier during this appeal by this third party Appellant.

6.5.8. The response was accompanied by the following:

- Road Junction site photographs
- TII Road Safety Audit Guidelines
- Further Information request (July 2020)
- Road Safety Audit prepared by Bruton Consulting Engineers
- Extract from Safety Assessment
- An Bord Pleanála decision PL07.241241 (Reg Ref 12/991)
- NRA Geometric Desing of Major / Minor Priority and Vehicular Access to National Roads
- Layout Plan for Coshla Junction (David Courtney & Assocaites)

6.6. Planning Authority Response

6.6.1. None

6.7. Observations

6.7.1. None

6.8. Further Responses

6.8.1. None

7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted with the planning application on the 21st April 2020, as amended by further plans and particulars submitted by way of further information on the 15th September 2020 together with details, plans and particulars submitted throughout the appeal process.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Flooding
- Duration
- Section 48 Development Contribution
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

7.3. **Principle**

7.3.1. A twenty year planning permission is sought for the continued operation of the existing quarry and all associated uses and activities, as well as for an extension to the existing quarry extraction area and all associated site works including landscaping arrangements at Barrettspark, Athenry, Co. Galway.

7.3.2. The existing quarry is a limestone rock quarry. Bulk limestone has been extracted from the site to meet local demand for aggregates since the quarry first became operational. The quarry also operates a concrete batching plant on the site. The quarry is a self-contained operation. The proposed development allows for the continuation of quarrying and processing activities at the site and through the extension of the existing quarry extraction area into lands to the east, north, and south

of the current extraction area. The proposed extension area measures approximately 6.7 hectares and will bring the total extraction area to 12.7 hectares. The quarrying methods that will be employed in the extension areas will be a continuation of those that have been used in the existing quarry. It is not proposed to construct any new buildings or other infrastructure or introduce any new plant items or processes as part of this application.

7.3.3. As stated, the proposal is for the expansion and continued extraction of an existing established quarry in order to ensure that adequate supplies of aggregate resources are available to meet future growth needs within County Galway and the wider region. The area is designated 'Class 1 - Low Sensitivity' (where Class 1 is the least sensitive and Class 5 the most sensitive) in the current County Development Plan. Having regard to the policies and objectives for mineral extraction as set out in the Galway County Development Plan 2022 - -2028 (see Section 6.2 above) together with the established quarry use at this location I am satisfied that the proposed development complies with the current development plan and is therefore acceptable in principle. Issues pertaining to traffic impact, flooding, duration and environmental impact are discussed separately below.

7.4. Traffic Impact

7.4.1. Both the first party and the third party have raised concerns in relation to traffic impact and associated conditions. I note the concerns raised by the third party appellant regarding non-compliance with conditions attached to a previous grant of permission at this location and possible unauthorised works on lands (road junction) that are out with the envelope of this development. This is not a matter for An Bord Pleanála and any such concerns should be dealt with at local authority level.

7.4.2. The first party have appealed Condition No 4(a) as follows:

a) The total number of Heavy Goods Vehicle (HG) traffic movements serving the site each day shall not exceed 50 number (two-way movements).

***Reason**: To limit the volume of Heavy Goods Vehicle (HG) traffic to and from the site in the interests of traffic safety, having regard to the constrained nature of the junction of the Coshla Road (L7109) with the R339 regional road*.

7.4.3. This aligns with the concerns raised by the third party to the appeal in that the junction of the Coshla Road (L7109) with the R339 regional road is substandard.

7.4.4. The receiving environment in terms of the road network can be described as follows:

- The R339 Monivea Road connects with the L7109 by means of a priority junction, with the latter forming the minor arm. The R339 Monivea Road serves as a radial route to / from Galway City and the M6 motorway.
- The section of the L-7109 leading to the Coshla Quarry is generally straight and has sufficient width for 2 vehicles to pass. The existing access junction serving the Coshla Quarry off the local L7109 Road is located approximately 1 km south of the junction with the R339 Monivea Road.
- Both the R339 Monivea Road and the section of the local L7109 on the delivery route have designated speed limits of 80 kilometres per hour (kph).

7.4.5. It is noted from the collision database maintained by the Road Safety Authority, that there were no vehicle collisions at the R339 / L-7109 junction or the Coshla Ouarry access junction on the L7109 during the 12 year period from the years 2005 to 2016 inclusive. This would indicate that the local road network has operated relatively safely during this period.

7.4.6. As set out, Condition No 4(a) limits the number of HGV traffic movements serving the development to 50 no. (two-way movements). The applicant is seeking an increase in the permitted movements to 137 two-way movements per day. It is noted that the original planning permission for the quarry granted in 2007 (Reg Ref 06/4125) allowed 200 two-way vehicle movements per day i.e. 200 movements out and 200 movements in. However, in 2011 the Board granted planning permission for the operator to continue quarrying (Reg Ref 09/1958, ABP PL07/235821) but vehicle movements were restricted to 50 two-way movements per day. The reason related to the deficiencies in the junction between the local road (L7109) which serves the quarry and the regional road (R339) which it subsequently joins.

7.4.7. The first party submits that the current limitation on vehicle movements makes it challenging to operate the quarry in an efficient and viable manner. Given that the reason for this restriction (deficiency in junction between local road L7109 and R339)

has since been remedied it is considered reasonable that increased vehicle movements are facilitated.

7.4.8. The assessment undertaken of the road network and associated junction, as part of this planning application, states that an increase from 50 two-way movements per day to 137 two-way movements per day can be accommodated with no resultant negative impact on the road network or on road safety. It is further noted that Condition No. 11 of Galway County Council's notification to grant permission requires the payment of a special development contribution for undertaking road improvement works to the junction of the L-7109 local road and the R339 regional road to ensure that this junction will operate in a safe and efficient manner.

7.4.9. Having regard to the information available with the appeal it would appear that the restriction on vehicular movements was based on a junction capacity constraint that has since been remedied. I am satisfied that visibility for traffic exiting the L7109 onto the R339 is adequate in both directions. Subject to the implementation of recommendations set out in the Road Safety Assessment (warning signs, road markings, remedial works to potholes and relocation of a telecom pole) submitted by way of further information either by way of condition or special development contribution (discussed further below) I am satisfied that HGV vehicular movements generated by the scheme in the order of 137 two-way movements per day can be accommodated.

7.4.10. I have considered the information available on file and together with my site inspection I am satisfied that it has been demonstrated that the increase in traffic that will be generated by the proposed extension can be accommodated at the existing junction of the L-7109 local road and the R339 regional road. The location of the appeal site taken together with infrastructure improvements carried out and those proposed, HGV vehicular movements generated by the scheme in the order of 137 two-way movements per day would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. It is recommended that Condition No4(a) be amended to 137 two way movements per day.

7.5. **Flooding**

7.5.1. The third-party appellant has raised concerns that flooding has occurred at the quarry site and this has not been taken into account. It is submitted that the proposed development site and the surrounding area are prone to flooding and that there is a flood risk present at the proposed development site and surrounding area. It is further stated that the EIAR submitted to support the application for planning permission for the proposed development is, inter alia, deficient with regard to hydrology and flood risk.

7.5.2. The proposed development has been the subject of a site-specific Flood Risk Assessment which was submitted to the Planning Authority at the Further Information Stage. The Flood Risk Assessment set out the following conclusions:

- No flood risks have been identified at the site, be it from a groundwater or surface water (fluvial and runoff) source.
- From a fluvial flood risk mapping perspective, the site is located in Flood Zone C (Low Risk). Due to the lack of watercourses in the area, there are no local hazards with regard fluvial flooding;
- Continuous groundwater level monitoring undertaken during the winter of 2018/2019, which varied between 7 and 16.5mOD, shows that a shallow groundwater table does not exist at the site and therefore the risk of groundwater flooding outside the extraction area is low.
- There are no mapped turloughs at the adjacent lands to the site that might be susceptible to groundwater flooding;
- The quarry pumping/dewatering regime is having no negative effect on water balance or surface water /groundwater flow regime of the site and the local area.
- An assessment of local sensitive receptors with regard flood risk and the local hydrological/hydrogeology regime, determined the quarry operation poses no risk to the identified receptors.
- Due to a similar hydrogeological regime in the proposed extension area (i.e. low permeability limestone), the proposed development can continue in a manner that has minimal effect on the local hydrological/hydrogeological regime with regard flood risk.

7.5.3. Having regard to information available it is considered reasonable to conclude that flood risk associated with the development has been the subject of robust consideration and assessment. I am satisfied that the proposed development is not the subject of flood risk nor does it exacerbate flood risk elsewhere.

7.6. Duration

7.6.1. The applicant sought a 20-year planning permission to continue operating the existing quarry and all associated uses and activities. Condition No 2 of the notification of decision to grant permission restricted the planning permission to 10 years to enable the impact of the proposed development on the environment and the amenities of the area to be monitored. The applicant has appealed this condition and seeks a 20 year permission duration for the continued operation of the existing quarry and associated activities, and for the extraction of material from the extension quarry area.

7.6.2. The assessment provided in the EIAR indicates that it will take 20 years to exhaust the quarry including the proposed extension area. it is for this reason, a 20-year permission is being sought.

7.6.3. The rationale for seeking this permission duration is based on the considerable capital investment required to develop and extend the quarry activity and the certainty needed that this level of investment can be made with the knowledge that there is long term viability in the extraction and processing of material. Furthermore, the aggregate and extraction industries are very sensitive to changes in the health of the wider economy. The demand for the products produced by quarries fluctuates in line with general economic growth and contraction. This means that in times of economic difficulty demand for material can fall drastically. These peaks and troughs in demand are part of the general economic cycle.

7.6.4. The *Quarries and Ancillary Facilities: Guidelines for Planning Authorities* set out some guidance in respect of extraction limits and application durations. Section 4.9 of the Guidelines state the following:

> *'Where the expected life of the proposed quarry exceeds 5 years it will normally be appropriate to grant permission for a longer period (such as 10 – 20 years), particularly where major capital investment is required at the outset. In deciding*

the length of the planning permission, planning authorities should have regard to the expected life of the reserves within the site.'

7.6.5. The Guidelines clearly state that extended periods of 10-20 years will *normally be appropriate*. Given that a clear and coherent extraction plan has been proposed for the 20-year duration sought (and this proposal has been the subject of a comprehensive environmental and ecological assessment), I agree with the applciant that it is considered unreasonable to limit the duration of the permission to 10 years. It is therefore considered reasonable and proportionate to permit a 20-year planning permission for the proposed development in this instance. It is recommended that Condition No 2 be omitted.

7.7. Section 48 Development Contribution

7.7.1. The applicant has appealed this condition stating that the development contribution scheme has been misapplied. The Galway County Development Plan Contribution Scheme states that the contribution to be levied on quarry pits is €17,000 per hectare (examples provided). It is considered that the development contribution should relate to the proposed extended area only as the existing quarry area will already have been the subject of a development contribution levy. As per the public notices the extended quarry area is approximately 6.7 hectares in area and should therefore be calculated as follows:

	Applicable Rate	**Basis of Calculation**	**Amount**
Development Contribution	€17,000 per hectare	Extended Quarry Area: 6.7 hectare	€113,900

7.7.2. Based on the information set out above the amount of the contribution specified in Condition 12 is €8,656.40 in excess of the appropriate amount. Requested that a development contribution in the amount of €113,900 is applied.

7.7.3. The Planning Authority has not provided any response to the above appeal. Further, there are no calculations or otherwise set out in the Case Planners reports.

7.7.4. The applicants appeal appears to be based on the Galway County Council Development Contribution Scheme 2016. However, I refer to the Galway County Council Development Contribution Scheme 2016 (as amended) and the revised rates (following application of Indexation) that took effect from August 1st 2019 and that was applicable at the time Galway County Council issued a notification of decision to grant permission (8th October 2020). The revised scheme states as follows:

> *Waste landfill, Quarries and Gravel Pits:*
>
> *Quarries and Gravel pits to be levied at 10c per m3 to be extracted or* ***€18,292 per hectare****, of extraction area, whichever is the greater (emphasis added)*

7.7.5. As stated, the quarry area is stated as 6.7 hectares in area and should be calculated as follows:

	Applicable Rate	**Basis of Calculation**	**Amount**
Development Contribution	€18,292 per hectare	Extended Quarry Area: 6.7 hectare	€122,566.40

7.7.6. A development contribution in the amount of €122,566.40 aligns with Condition No 12 of the notification of decision to grant permission. It is recommended that should the Board be minded to grant permission that a Section 48 condition be attached requiring the developer to pay to the planning authority a financial contribution of €122,566.40 (one hundred and twenty two thousand, five hundred and sixty six euro and forty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority.

7.8. Other Issues

7.8.1. **Special Contribution** – Condition No 11 of the notification of decision to grant permission requires the payment of a special development contribution in the amount of €25,000 for undertaking road improvement works at the junction of the L-7109 local road and the R339 regional road and on the L-7109 road at the entrance to the quarry. No party to the appeal has appealed this condition.

7.9. Section 48(2)(c) of the Planning and Development Act 2000 states that a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the General Development Contribution Scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. I also refer to the Galway County Council Development Contribution Scheme 2016 (as amended) and the revised rates (following application of Indexation) that took effect from August 1st 2019 where it states that *additional special contributions for waste/land fill; quarries and gravel pits may be applied under Section 48 of the Planning and Development Acts and shall be based* the following criteria as summarised:

(i) The scale of the proposed development

(ii) The condition of the road serving the development.

(iii) The length of the road or roads from the development to the nearest Class 1 local roads which is in good condition.

(iv) The cost of bringing the road or roads up to a standard necessary to facilitate the development and not cause an adverse impact on other road users.

(v) The cost of traffic control measures.

7.9.1. While not explicitly set out in the Roads Section Report I note from the recommendations in the Road Safety Assessment submitted by the applicant by way of further information that there are a number of site specific works required for the R339 / L7109 junction. These include warning signs, road markings, remedial works to potholes and relocation of a telecom pole. I am satisfied, having regard to the Roads Section report where a special contribution (€25,000) for undertaking road improvement works at the junction of the L-7109 local road and the R339 regional road was requested and taken together with the criteria set out in the Development Contribution scheme for additional special contributions that these are exceptional costs over and above those, which were envisaged in the Galway County Council Development Contribution Scheme.

7.9.2. Having regard to the scale and nature of the proposed scheme together with the foregoing comments and my site visit I consider that the haulage / traffic movements generated by the development relative to the local road network serving the site would have a material impact on the road infrastructure in the immediate area of the site and would therefore necessitate road improvement works at said junction.

7.9.3. I have had regard to the Galway County Council Development Contribution Scheme and I consider the undertaking of road improvement works at the junction of the L-7109 local road and the R339 regional road in this instance to be a specific exceptional cost over and above that already covered by the General Development Contribution Scheme. Accordingly, I agree with the recommendation of the Planning Authority and consider it appropriate to impose a condition requiring the payment of special contribution in this instance as set out in Condition No 11.

8.0 Environmental Impact Assessment

8.1. Introduction

8.1.1. The relevant classes of development that require EIA are set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended). Schedule 5 transposes Annex 1 and Annex II of the EU EIA Directive (85/337/ECC as amended) into Irish Law as Parts 1 and 2 of the Schedule. Part 1 of Schedule 5 sets out the categories and scale of development that qualify for mandatory EIA. The relevant class of development in this case relates to:

> "*Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares*", as per Item 2 (b) of the Schedule.

8.1.2. In addition, Paragraph 13(a) of Part 1 requires Environmental Impact Assessment where there is:

> "*Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension refer to in Part 1) which would:-*
>
> *iii) result in the development being of a class listed in Part I or paragraphs I to 12 of Part 2 of this Schedule and*

iv) it 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."

8.1.3. The EIAR study area measures approximately 27.7 hectares whilst the proposed extension area measures approximately 6.7 hectares bringing to total extraction area to approximately 12.7 hectares. The extraction area is both greater than 5 hectares and greater than a 25 per cent increase in size thereby exceeding the stated thresholds and requiring a mandatory EIA

8.1.4. Both the 2014 amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this instant case.

8.2. Compliance with Legislation

8.2.1. The EIAR consists of three sections, grouped as follows:

- Non-Technical Summary
- Environmental Impact Assessment Report
- Appendices

8.2.2. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features of the project. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity, (c) land, soils and geology, (d) hydrology and hydrogeology, (e) air and climate, (f) noise and vibration, (g) landscape and visual, (h) archaeology and cultural heritage, (i) material assets including traffic and transport and electricity and other services and it also considers the interaction between the factors referred to in points (a) to (h).

8.2.3. The EIAR provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each

chapter of the EIAR where proposed, monitoring arrangements are also outlined. Environmental Interactions are addressed in Chapter 13.

8.2.4. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in Section 1.9 (Project Team) and at the start of each section of the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality.

8.2.5. The information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect effects and cumulative effects of the proposed development on the environment and complies with Article 94 of the Planning and Development Regulations 2000, as amended. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU.

8.3. Vulnerability to Risk of Major Accidents and / or Disaster

8.3.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. There is limited potential for significant natural disasters to occur at the proposed site. Ireland is a geologically stable country with a mild temperate climate. The potential natural disasters that may occur are therefore limited to flooding and fire. The risk of flooding is addressed in Section 7 of the EIAR and discussed further below. It is considered that the risk of significant fire occurring, affecting the proposed development and causing the works to have significant environmental effects is limited. There are no significant sources of pollution associated with the works with the potential to cause environmental or health effects.

8.4. The proposal is no more vulnerable than any other development of this type. The site is not connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is

no potential effects from this source. Given the nature of and volumes of materials proposed to be stored on-site the Serveso Regulations would not apply.

8.5. It is considered that having regard to the nature and scale of the development itself, there are unlikely to be any effects deriving from major accidents and or disasters and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

8.6. **Alternatives**

8.6.1. I note that alternatives have not been specifically addressed in the EIAR. I note from Section 1.6 that *the alternative to using the resource which exists to the east, north and south of the current extraction area and taking advantage of the existing infrastructure and expertise onsite is to source new bulk limestone sources and develop new supporting infrastructure and systems.* Having regard to the nature of the scheme (extension to an existing quarry) this is reasonable and commensurate with the project. Therefore, I am of the view that the absence of a discussion on alternatives in this instance is not of itself a reason for refusal and that the requirements of the Directive in terms of consideration of alternatives have been discharged in this instance.

8.7. **Consultations**

8.7.1. Details of the non-statutory consultation entered into by the applicant as part of the preparation of the application and EIAR and prior to the lodgement of the application are set out in Section 2.4 of the EIAR. It is stated that the recommendations of the consultees have informed the EIA process and the contents of the EIAR.

8.8. **Likely Significant Effects on the Environment**

8.8.1. The likely significant effects of the development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;

- material assets, cultural heritage and the landscape;
- the interaction between the factors referred to in points (a) to (d).

8.8.2. In total the main EIAR includes 13 chapters. Chapters 1 to 3 provide an introduction to the project, background to the proposed development and a description of the proposed development. Chapter 4 addresses population and human heath, chapter 5 addresses biodiversity, chapters 6, 7, 8, 9, 10 and 11 addresses land, soils and geology, hydrology and hydrogeology, air and climate, noise and vibration, landscape and visual and archaeology and cultural heritage, chapter 12 addresses material assets and chapter 13 addresses interactions effects.

8.8.3. Each of the above chapters are considered in detail below, with respect to the relevant headings set out in the Directive.

8.9. Population and Human Health

8.9.1. Section 4 of the EIAR addresses Population and Human Health. This section focuses on health and safety, employment and investment, population, land use, tourist amenity, noise and vibration, dust and air quality and traffic. Potential operational issues relating to health and safety and amenity concerns are summarised as follows:

- **Health & Safety** – The presence and operation of heavy machinery poses a potential risk to employees and members of the public who access or enter the site. These are considered to be long term potential significant impacts. Mitigation measures to be implemented include a site specific health and safety plan, only qualified personnel permitted to operate machinery, appropriate barriers and signage to be used, site will not be accessible to the public and the site will be secured to prevent trespass. The implementation of the mitigation measures outlined will result in a residual long-term, imperceptible, negative impact. There will be no significant effects on health and safety.
- **Employment & Investment** – The development will result in the preservation of permanent full and part-time employment. The operational phases will require the hiring of those with specialist skills. The operational phase will have a long term moderate positive impact residual impact. There will be no significant effects on employment and investment.

- **Population** – The operational phases will have no impact on population. There will be no significant effects on population.
- **Tourism** – The operational phase will have no impact on tourism within the local or regional area. The quarry will be mitigated by the landscape measures. The continued operation of the development will also include dust and noise control measures. There will be no significant effects on tourism.
- **Land Use** – The quarry extension will result in a change of land use to and will be insignificant in the context of the local and wider area. The residual impact will be long term, slight with a neutral impact. There will be no significant effects on land use.
- **Noise & Vibration** – The expected noise and vibration effects for the operational phase can be summarised as follows: negative quality, not significant and of long-term duration. Best practise noise mitigation meaures will form part of the site management practises at the operational phase to ensure noise from on-site operations do not cause a noise nuisance at the nearest NSR to mitigate the potential, negative impact associated with the operation of the quarry. There will be no significant effects on population and human health as a result of noise and vibration.
- **Dust & Air Quality** – Potential dust and vehicle emissions may cause nuisance to residents and other road users, thereby creating a long term slight negative impact. Mitigation measures will be enforced to ensure that dust and vehicle emission nuisance during the operational phase beyond the site boundary is minimised. The residual impacts will be long term, imperceptible, negative impact. There will be no significant effects on population and health as a result of dust and emissions.
- **Traffic** – Traffic on site will be controlled by the weighbridge operatives. Signs on site will indicate maximum permissible speeds and directional information. The weighbridge operator will provide the primary means of marshalling traffic. Traffic control at the site will involve restricting the number of vehicles entering the quarry void at any one time. No queuing of vehicles will be allowed outside the entrance to the quarry on the L7109 local road. All vehicles leaving the site will be weighed to ensure delivery loads are in compliance with the relevant

Road Traffic Regulations. The Traffic and Transport Assessment, as presented in Section 12 of the ElAR, assumes that the operation of the proposed quarry extension will result in a total of 94 Heavy Goods Vehicle (HGV) movements generated per day as a worst-case scenario. A capacity assessment was undertaken and concludes that the proposed increase in traffic movements to and from the site will be adequately accommodated by the existing road network. The residual impacts will be slight, long term, negative impact. There will be no significant effects on population and health as a result of traffic as a result of the proposed quarry.

8.9.2. This report concludes that the proposed development will have no significant residual effects on Population and Human Health.

8.9.3. The operational phase of the proposed development will have no significant residual effects on Population or Human Health. The analysis of the likely effects of the proposed development include indicate that the project will likely have a medium to long-term, imperceptible, negative impact on human health in terms of health and safety and air quality, and a medium to long-term, moderate, positive impact in terms of employment and investment.

8.9.4. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of population and human health can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on human health.

8.10. **Biodiversity**

8.10.1. Section 5 of the ElAR addresses Biodiversity. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Biodiversity, Flora and Fauna and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on biodiversity are assessed with particular attention paid to species and habitats of ecological importance.

8.10.2. The desk study identified that a variety of protected faunal species are known to occur within the study area, including bats, freshwater white-clawed crayfish and badger. However, given the highly modified and bare nature of the habitats on site, limited suitable habitat occurs on the site for protected faunal species. Evidence of badger was recorded within a small area of fragmented rank grassland within the southwest of the site. No badger setts were recorded within the site. A review of bat roost records for the area did not identify any roosts within or immediately adjacent to the proposed development. The multi-disciplinary walkover surveys comprehensively covered the entire study area and based on the survey findings, further detailed targeted surveys were carried out for features and locations of ecological significance. No nationally designated sites were identified as occurring within the likely zone of impact of the proposed development. No watercourses were recorded within or immediately adjacent to the site of the proposed development. There are no Annex I habitats listed under the EU Habitats Directive present within the proposed development site boundary. No third schedule invasive species were recorded within the study area. The only non-native invasive species recorded on site include butterfly bush (*Buddlea davidii*) and *Cotoneaster dammeri*. Although invasive species, these are not listed on the Third Schedule. No botanical species protected under the Flora (protection) Order (1999, as amended 2015) or listed in the Irish Red Data Books were recorded during the survey.

8.10.3. The Peregrine Falcon was recorded within the quarry and is known to breed within the quarry in recent years. Peregrine falcon was the only species recorded within the site listed under Annex I of the EU Birds Directive. Potential negative effects on peregrine falcon have been mitigated through the avoidance of the known nest ledge, used since 2016, and the undertaking of blasting within a 125m radius of the nest ledge outside of the peregrine falcon nesting season. In addition, the EIAR I refer to the Peregrine Falcon Conservation Management Plan submitted by way of further information. Given the known occurrence of breeding peregrine falcon within Coshla Quarry, the following measures have been incorporated into the proposed expansion of the quarry in order to avoid and minimise any potential for impact on the species:

- Avoiding the loss of the known peregrine falcon nesting feature/ledge as part of the project design.

- Installation of an artificial peregrine falcon nest box to increase suitable nesting habitat availability within the quarry.
- Incorporation of a minimum protective buffer distance of 125 m between the known traditional nest ledge and any blast sites during the breeding season.
- Blasting will be restricted to two blasts per month during the core breeding season (March to June).
- Monitoring will be undertaken during the initial commencement of the works, i.e. years 1, 2, 3, 5 and 10.

8.10.4. As such, the residual effects on peregrine falcon have been assessed as not significant at any local geographic scale, subject to the proposed operation of the proposed development as specified in this EIAR and the Conservation Management Plan.

8.10.5. All other bird species recorded during the site visit were common birds that are typical of the habitats on the site and adjacent lands. Given the highly modified nature of the habitats recorded within the site of the proposed expansion, comprising of highly modified habitats of low ecological value due to quarrying activities, there are limited areas of suitable vegetation cover that provide nesting habitat for other common and widespread bird species. However, the proposed development will require some scrub clearance. If scrub clearance is undertaken during the bird nesting season, it could lead to the destruction or disturbance of active nests locally. In order to avoid direct impact on nesting birds, site clearance/removal of the overburden will be undertaken outside of the nesting bird season (1st March – 31st August) to ensure compliance with the Wildlife Act. If vegetation clearance is required during the nesting bird season, this will be preceded by a nesting bird survey and all clearance works supervised by an appropriately qualified ecologist.

8.10.6. Effects upon European Sites are discussed within the Natura Impact Statement which accompanies the application. Effects upon nationally designated sites as a result of the proposed development are not anticipated, given that impacts to groundwater and surface waters will be prevented, or mitigated where necessary, during the operation of the proposed development. The NIS concluded that the proposed development, by itself or in combination with other plans and projects, in light of best scientific knowledge in the field, will not adversely affect the integrity of European sites, and no

reasonable scientific doubt remains as to the absence of such effects. No significant effects upon biodiversity, flora and fauna as a result of the proposed development are anticipated, given that the proposed development is carried out in compliance with procedures of best practice, and that mitigation is duly applied where necessary.

8.10.7. The proposed quarry activities are largely confined to habitats of Local importance (lower value), predominantly existing areas of active quarries and mines (ED4), spoil and bare ground (ED2), recolonising bare ground (ED3) and Dry meadows and grass verges (GS2). There will be no loss of habitats identified as of local importance (higher value), such as hedgerows or treelines. In addition, approx. 1,350m of linear landscape features has been incorporated into the proposed project design in the form of vegetated berms. Such measures will have a positive impact / biodiversity net gain for wildlife in the wider area, particularly commuting and foraging bat species.

8.10.8. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of biodiversity can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on biodiversity.

8.11. Land, Soils and Geology

8.11.1. Section 6 of the ElAR addresses Land, Soils and Geology. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Land, Soils and Geology and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Land, Soils and Geology are also assessed.

8.11.2. Quarrying and removal of land, soils and bedrock will result in a direct impact on the local lands and geological environment, albeit this is an acceptable and unavoidable part of the quarry development. These impacts will be localised (i.e. only at the point of quarrying) and will be mostly mitigated through the adoption of a suitable restoration plan for the quarry once quarrying activities have substantially finished. The soil which will be removed and the rock to be quarried at the site are not notable from a geological

heritage or ecological point of view. The stripped subsoils will be used to form a berm along the boundary and for the ultimate restoration of the site. The implementation of a restoration plan following the completion of quarrying operations will result in a residual negative, irreversible, slight, direct, likely, permanent effect on land, soil and bedrock. No significant effects on land, soils and geology are anticipated.

8.11.3. Excavation of rock at the site will be completed using plant and machinery. Such machinery are powered by diesel engines and operated using hydraulics. Unless managed carefully such plant and machinery have the potential to leak hydraulic oils or cause fuel leaks during refuelling operations. The following mitigation is proposed:

- All plant and machinery will be serviced before being mobilised to site;
- Refuelling will be completed in a controlled manner using drip trays (bunded container trays) at all times;
- Fuel containers will be stored within a secondary containment system, e.g. bunds for static tanks or a drip tray for mobile stores;
- Containers and bunding for storage of hydrocarbons and chemicals will have a holding capacity of 110% of the volume to be stored;
- Fuel and oil stores including tanks and drums will be regularly inspected for leaks and signs of damage
- Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills;
- Only designated trained operators will be authorised to refuel plant on site;
- Procedures and contingency plans will be set up to deal with emergency accidents or spills; and,
- An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill.

8.11.4. The implementation of the mitigation measures discussed above will result in residual negative, reversible, imperceptible, direct indirect, unlikely, long-term effect on land, soils and bedrock in terms of contamination from accidental spills and leaks. There will be no significant effects on land, soils and geology.

8.11.5. Potential health effects in relation to soils and geology mainly occur due to direct and indirect (dust) contact with contaminated soil. However, as stated in Section 6.4.3.2 there will be best practice controls in place to ensure any potential sources of contamination on the site will be managed appropriately. Also, the site will not be open to the public and therefore direct contact is unlikely. Hydrocarbons, in the form of fuels and oils, will be used on-site during quarrying. However, the volumes will be small in the context of the scale of the project and will be handled in accordance with best practice mitigation measures. The potential residual impacts associated with soil and geology contamination and subsequent health effects are negligible.

8.11.6. The other land use activities in the area are existing farming operations, residential land uses, light engineering and the ESB substation. Due to the lack of significant residual impacts from the development that would affect the wider geological environment, there will be no significant cumulative impacts to land, soil and geology resulting from this project, and other local existing developments, projects and plans. All impacts on soils and geology relating to the proposed project will be localised and within the development.

8.11.7. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of land, soils and geology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on land, soils or geology.

8.12. Hydrology and Hydrogeology

8.12.1. Section 7 of the ElAR addresses Hydrology and Hydrogeology. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on hydrology and hydrogeology and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on hydrology and hydrogeology are also assessed.

8.12.2. A desk study of the quarry site and surrounding area was largely completed prior to the undertaking of the walkover and following on site investigations. There are no

natural surface water features within the quarry site itself or nearby. All effective rainfall that lands on the extraction area gathers in sumps on the quarry floor benches. There is a large sump located on the southern end of the middle bench and a smaller sump located on the floor of the lower bench. Surface water from both sumps is then pumped vertically up to a concrete settlement pond which drains via an oil interceptor to a large soakaway located on the west of the site for discharge to ground. Discharge of water (trade effluent) to the soakaway is carried out under a Discharge License (W/469/13) which limits the volumetric discharge to a 360m3/day. Surface water runoff from the area of the batching plant and concrete block yard drains to a staged precast concrete settlement tank which is located adjacent to the batching plant. The settlement tank is a close system as water is recycled for cement production. During dry periods, the tank is topped up from the on-site well.

8.12.3. Due to the lack of surface water features in the area there is no risk of fluvial flooding at the quarry. Based on the PFRA mapping pluvial flooding is also not an issue.

8.12.4. The current quarry and the proposed expansion area exist below the local groundwater. As with the existing quarry, dewatering will be required to maintain the floor of the proposed expansion area dry. This has the potential to further impact on local groundwater levels away from the site.

8.12.5. However, the measured groundwater levels at the quarry would suggest that the current quarry operation is having only a very small effect on local groundwater levels and this would be consistent with hydrogeological conditions that the current quarry is operating in (i.e. competent, unweathered, low permeability limestone). Site investigations in the proposed expansion area indicate similar hydrogeological conditions to those is the existing extraction area and therefore significantly increased groundwater inflows are not expected. Consequently, significant effects on groundwater levels as a result of the proposed expansion are not expected. Common explosives used at quarry sites often contain large percentages of nitrogen compounds. However due to the small scale of the proposed quarry, no significant impacts in respect of explosive use area expected. No mitigation is required in respect of groundwater levels and explosives impacts.

8.12.6. Excavation of rock at the site will be completed using large plant and machinery. Such machinery is powered by diesel engines and operated using hydraulics. Unless

managed carefully such plant and machinery have the potential to leak hydraulic oils of cause fuel leaks during refuelling operations. Quarry discharge and groundwater quality monitoring carried out to date has not detected the presence of hydrocarbons. The control measures set out in Section 9.11.3 above will be in place for the proposed expansion together with the following:

- All water currently pumped from the quarry is directed through an existing full retention oil interceptor prior to discharge to ground and will be the case during the proposed expansion

8.12.7. The use of heavy machinery in the quarrying process carries the risk hydrocarbon leaks that could negatively effect groundwater. The implementation of the mitigation measures above will reduce residual effects to negative, reversible, imperceptible, indirect, unlikely, long-term effect on groundwater quality. The proposed development will have no significant effects on groundwater quality are expected.

8.12.8. The proposed development will have no significant effects on groundwater or surface water quality, and will have no significant hydrological effects on local designated sites. No significant effects on human health are anticipated. No significant hydrogeological cumulative effects are likely.

8.12.9. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of hydrology and hydrogeology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on hydrology and hydrogeology.

8.13. Air and Climate

8.13.1. Section 8 of the ElAR addresses air and climate. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on air and climate and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on air and climate are also assessed.

8.13.2. The air quality in the vicinity of the site is typical of that of rural areas in the west of Ireland i.e. Zone D as per the EPA Four Air Quality Zones for Ireland which represents

rural areas located away from large population centres. Prevailing south westerly winds carry clean unpolluted air from the Atlantic Ocean onto the Irish mainland. Due to the nature of the development, the general character of the surrounding environment and publicly available information on air quality, air quality sampling, was deemed to be unnecessary for the EIAR.

8.13.3. The ambient air quality monitoring carried out closest to the proposed development site is at Galway City, located approximately 16 kilometres south-west of the proposed development site. This monitoring location lies within Zone C. Lower measurement values for all air quality parameters (sulphur dioxide, particulate matter, nitrogen dioxide, carbon monoxide and ozone) would be expected for the Proposed Development site as it lies in a rural location within Zone D.

8.13.4. The extraction of rock from the site will require the use of machinery and plant, thereby giving risk to exhaust emissions. This is likely to have a medium-term, slight negative effect, which will be reduced through the use of the best practices mitigation measures as follows:

- All construction vehicles and plant will be maintained in good operational order while onsite, thereby minimising any emissions that arise.
- When stationary, delivery and on-site vehicles will be required to turn off engines.
- Users of the site will be required to ensure that all plant and vehicles are suitably maintained to ensure that emissions of engine generated pollutants is kept to a minimum.

8.13.5. The implementation of the mitigation measures described above will reduce the residual impacts on air quality to a long term, imperceptible, negative impact significance of effects. Based on the assessment above there will be no significant effects.

8.13.6. Dust can be generated from many on-site activities such as overburden removal, rock extraction, crushing and screening. The extent of dust generation will depend on the type of activity undertaken, the location, the nature of the dust, i.e. rock, soil, overburden, etc and the weather. In addition, dust dispersion is influenced by external factors such as wind speed and direction and/or, periods of dry weather. Traffic

movements also have the potential to generate dust. Pre-mitigation, these effects will have a long term moderate negative effect. The following mitigation measures will be implemented at the site:

- Overburden will be progressively removed from the working area in advance of extraction.
- Crushing of rock will continue to occur at a bench level lower than the general quarry ground level, thus limiting the potential for fugitive dust emissions from the quarry site.
- Permanent berms will be placed around the perimeter of the site and planted with native species to mitigate against potential impacts of dust on residential receptors.
- Road surfaces from the site entrance to the working area of the site will continue to be paved.
- The roads adjacent the site will be regularly inspected by the Site Manager for cleanliness and cleaned as necessary.
- Water spraying of conveyors, stockpiles and roads will be carried out when necessary to reduce the production of dust.
- Water bowser movements will be carefully monitored to avoid, insofar as reasonably possible, increased runoff.
- The transport of material, which has significant potential to cause dust, will be undertaken in tarpaulin-covered vehicles.
- All plant and materials vehicles shall be stored in dedicated areas (on site).
- All plant and machinery will be maintained in good operational order while onsite.

8.13.7. The existing dust monitoring programme has shown that the existing operations including the extraction and ancillary activities are generally not generating dust deposition above unacceptable levels and the nearest sensitive receptors. There have been some outlier results that are suspected to be the result of tampering with the monitoring equipment. Based on the analysis above the proposed development is

likely to have a long-term, occasional, imperceptible, negative effect. Based on the assessment above there will be no significant effects.

8.13.8. It is proposed that dust deposition monitoring using the Bergerhoff Method, be carried out in line with the existing monitoring requirements for the quarry operation.

8.13.9. Whilst the operational phases of the proposed quarry are likely to lead to increases in dust and vehicle emissions, the implementation of the mitigation measures discussed above, and good management practices can prevent or minimise potential effects off-site. The potential for health effects is considered imperceptible as the potential for both exhaust and dust emissions will be limited and controlled through site layout design and mitigation measures.

8.13.10. Potential cumulative effects on air quality between the proposed quarry development and other developments in the vicinity were also considered as part of this assessment. It is noted that the other land use activities in the area are manufacturing, farming operations and residential land uses. With the implementation of the mitigation measures the cumulative impacts arising from the operational phase of the proposed quarry and other local existing developments, projects and plans are likely to be medium-term, negative, imperceptible effects. Dust emissions from the other land use activities in the area are likely to be negligible. The consented quarry in-fill development adjacent to the site has the potential to result in minor dust emissions over the short-term. The potential for dust emissions from the proposed quarry exist but the residual effects will be imperceptible given the proposed mitigation measures. It is therefore considered that there is unlikely to be cumulative effects arising from the quarry development and other local existing developments, projects and plans.

8.13.11. In terms of climate impact the use of machinery during the operation of the quarry may result in the emission of greenhouse gases. Operations such as the transport of equipment and materials as well as rock breaking are typical examples of machinery use. This impact is considered to be slight given the insignificant quantity of greenhouse gases that are emitted. The proposed development will have no significant impact on climate and no mitigation measures are proposed.

8.13.12. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of air and climate can be avoided, managed and

mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on air and climate.

8.14. Noise and Vibration

8.14.1. Section 9 of the ElAR addresses noise and vibration. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on noise and vibration and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on noise and vibration are also assessed.

8.14.2. Three measurement locations were selected in order to obtain a representative baseline noise level at noise sensitive locations, in this case houses, in the vicinity of the quarry extraction area. Depending on the measurement location, the existing noise environment of the general area is dominated by the traffic on the M6, traffic on the local road network, agricultural plant and machinery working the land and the operation of the Coshla quarry.

8.14.3. During the operational phase of the project the main sources of noise will be extraction, processing of rock through crushing and screening on the quarry floor, the transport of material along the haul routes, the processing of stone at the concrete batching plant and then the export of product off site. The residual extraction phase impacts associated with the proposed extraction works are not predicted to increase above existing noise and vibration levels. The expected noise and vibration effects for the operational phase can be summarised as negative quality, not significant and of long-term duration.

8.14.4. As part of the continuation operations, blasting will be undertaken periodically at the site within the proposed extraction areas. There is no change proposed to the current blasting procedure associated with the proposed continuation operations and future extraction. In line with the current best practice operations and conditions of planning at the site, all blasts will be designed to ensure the PPV limit of 12mm/s and APO of 125dB Lin is not exceeded at the nearest sensitive dwellings. A review of the blast monitoring in 2019 indicates that blasting does not exceed the blasting criteria. The

expected operational phase vibration effects at the nearest NSR's to the site are summarised as negative quality, slight and of brief duration. The proposed quarry expansion will have no significant effects in terms of noise or vibration.

8.14.5. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of noise and vibration can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on noise and vibration.

8.15. Landscape and Visual

8.15.1. Section 10 of the ElAR addresses landscape and visual effects. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on landscape and visual effects and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on landscape and visual effects are also assessed.

8.15.2. The Landscape and Visual assessment is based on desk study of the study area, field surveys of the site and surrounds and the use of photographs and photomontages from representative viewpoints of the site. The landscape of the area is described in terms of its existing character, which includes a description of the physical and visual character, landscape values and the landscape's sensitivity to change. The potential impacts in both landscape and visual terms are then assessed, including cumulative impact.

8.15.3. The landscape sensitivity of the study area is designated as Class 1 – Low Sensitivity' (where Class 1 is the least sensitive and Class 5 the most sensitive) by the Landscape and Landscape Character Assessment for County Galway. A 10km study boundary was used in the assessment to identify the key landscapes features in close proximity to the site boundary. One scenic viewpoint was identified within the 5km boundary from the site and 4 no scenic viewpoint locations within the 10km boundary. There are no designated focal points or views pertaining to the subject site.

8.16. The topography of the subject site is relatively flat along the boundaries at the highest point being 25 metres above Ordnance Datum (OD). In the north-east and south-east corners of the site, the site slopes down, in some places very steeply, to an elevation of 5 metres (OD). Land-use in the wider landscape is a mix of agricultural and industrial, with a number of one-off houses also present. The dominant landscape characteristics of this area and indeed the stie are the field patterns as defined by tree liens and stone walls. These field patterns and hedgerows are not considered unique from a landscape perspective and have been produced by manmade interventions in the landscape therefore, the susceptibility of the landscape value is considered low.

8.16.1. The dominant landscape characteristics of this area and indeed the site are the field patterns as defined by stone walls and hedgerows. The changes to the physical landscape, as a result of the subject development will be very minor in nature. The subject development has been designed to fit with that of the existing industrial landscape type of the quarry into the surrounding agricultural landscape. Therefore, changes to the landscape are insignificant and will be in keeping with county landscape policies. Overall the proposed development will have a long-term, imperceptible, negative impact on the character of the landscape.

8.16.2. During the site visits, views towards the site from the surrounding road network as well as from other amenity routes were assessed. Visibility of the subject development site could be excluded from the west of the study area, due to topography as well as the presence of hedgerows, tree lines and buildings, both immediately adjacent to roads and in the intervening landscape. Actual visibility was difficult to establish, hence, viewpoints were chosen on anticipated potential visibility. Overall, the proposed development will have a Long-term, Imperceptible, Neutral-Negative visual impact.

8.16.3. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of landscape and visual effects can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on landscape and visual effects.

8.17. Archaeological and Cultural Heritage

8.17.1. Section 11 of the ElAR addresses Archaeological and Cultural Heritage. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Archaeological and Cultural Heritage and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Archaeological and Cultural Heritage are also assessed.

8.17.2. No Protected Structures are located on or within the immediate vicinity of the proposed development site. No protected structures are located within 2 kilometres and the nearest structure is located 3.5 kilometres to the south-west in Frenchfort townland. The existing and proposed extension will not result in any direct or indirect impacts. Based on the assessment the proposed development will have no significant effect on architectural heritage, as no protected structures are located within or in the immediate vicinity of the proposed development site.

8.17.3. No National Monuments, recorded monuments (RMP), NIAH, RPS or previously unrecorded (above-ground) monuments are located within or immediately adjacent to the site application boundary. No direct impact on the known Cultural Heritage resources will therefore occur. Sub-surface archaeological potential within the site is deemed to have already been assessed through archaeological monitoring of topsoil removal when quarry activities began in 2007. The proposed expansion area has been reduced to natural strata with topsoil removed and therefore impacts on subsurface sites will occur.

8.17.4. National Monuments within 10 kilometres of the site were assessed with the potential indirect impacts identified as imperceptible. Thirty-five RMP sites are located within 2 kilometres of the proposed development site with only three within 1 kilometre. The potential effects on the monuments in the 2 kilometre study area are considered to be imperceptible due to the presence of an existing quarry in the landscape and the nature of the proposed works (i.e. below ground). The landscape in which the proposed development site is located has the capacity to absorb the quarry extension without noticeable effects. Mitigation measures are therefore not deemed necessary.

8.17.5. The artefact bearing potential of the subsoil and the potential for finding subsurface archaeological deposits is considered to be low. Archaeological monitoring of all

topsoil removal took place in 2007 when construction began within the quarry. No archaeological finds, features or deposits were uncovered. In this regard, since topsoil has been removed from the area of the proposed extension, there is no requirement for mitigation measures.

8.17.6. Based on the assessment above there will be no significant effects on archaeological heritage.

8.17.7. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of Archaeological and Cultural Heritage can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on Archaeological and Cultural Heritage.

8.18. Material Assets (Traffic & Transport)

8.18.1. Section 12 of the ElAR addresses Material Assets (Traffic & Transport) and the effects of additional traffic movements that will be generated on the surrounding road network due to the proposed quarry extension. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Traffic & Transport and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Traffic and Transport are also assessed.

8.18.2. Current planning conditions limit quarry HGV movements to a maximum of 50 two way movements per day. From information provided by Coshla Quarries Ltd it was determined that an average of 47 heavy goods vehicle (HG) movements are currently generated to and from the site on a daily basis.

8.18.3. In order to extract the available material in the quarry within the requested 20-year planning permission the applicant requires an increase in the number of permissible HG movements to and from the quarry. Under this scenario the average daily two-way HGV trips would be 139. The figures show that for the scenario tested the 2 -way HGV movements will increase as a result of the proposed quarry extension from 4 to 11 HGV movements during the AM peak hour, and from 7 to 20 HGV movements

during the PM peak hour. It is not anticipated that the number of staff employed on the site will increase with the proposed extension.

8.18.4. There is an established junction currently serving the existing Coshla Quarry off the L7109. This junction provides for existing HG movements and it is proposed that it will provide for additional traffic generated by the proposed extension. To the north the full 2.4m x 120m visibility splay for an 85km/h design speed, is available. To the south the visibility splay is constrained by the bend to approximately 60m. While this is short of the development plan requirements, northbound speeds on the L7109 are also constrained by the horizontal alignment, and it is considered that visibility in the southbound direction is sufficient to provide a safe environment for traffic exiting this junction.

8.18.5. An analysis of the likely effects of the proposed development on traffic and transport was conducted by Alan Lipscombe Traffic and Transport Consultants. A detailed assessment of the capacity of the R339/L-7109 junction was undertaken, with the method and findings set out. The principle finding of the assessment is that the proposed development will have a slight impact on the operation of the junction, increasing the maximum ratio of flow to capacity (RFC) from 53.8% based on the existing level of development during the PM peak hour, to 58.9% with the introduction of the proposed quarry extension, and to 63.8% with the inclusion of the Battery Storage facility tested for the purpose of potential cumulative impact. With up to 85% considered to be acceptable, it is forecast that the R339/L-7109 junction will operate well within capacity for all scenarios, and that the proposed quarry extension will have a slight impact on the junction capacity. If the proposed Quarry Extension is implemented, it is forecast that the increase in traffic levels on the R339 and the L-7109 leading towards the site will have a slight negative effect and will be long term.

8.18.6. It is demonstrated that the modest increase in traffic that will be generated by the proposed extension will have slight negative impacts on general traffic on the R339 and the L-7109 and on existing traffic movements generated by the Coshla Quarry. It is also established that the additional traffic movements will be adequately accommodated by the existing R339/L-7109 junction.

8.18.7. In terms of other material assets there are two 100kV overhead electricity cables crossing the proposed site. No underground electrical services exist within the

proposed quarry expansion area. Relocation of the overhead electrical services that cross the site will not be required. The quarry operator is in communication with ESB Networks regarding work in the vicinity of overhead lines. The operation of the proposed development will have an imperceptible impact on above ground or underground electrical or telecommunications networks. There are no known telecommunication services in the proposed quarry expansion area.

8.18.8. In the event that the proposed quarry extension is in operation at the same time as the permitted Battery Storage facility is constructed it is forecast that the cumulative impact on the R339 and L-7109 will be slight and will be temporary.

8.18.9. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of traffic and transport can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on traffic and transport.

8.19. Interaction of the Foregoing

8.19.1. Section 4 to 12 of this EIAR identify the potential environmental impacts that may occur as a result of the proposed development in terms of Population and Human Health, Biodiversity, Flora and Fauna, Land, Geology and Soils, Hydrology and Hydrogeology, Air and Climate, Noise and Vibration, Landscape and Visual, Archaeological and Cultural Heritage and Material Assets. All of the potential significant effects of the proposed development and the measures proposed to mitigate them have been outlined in the preceding sections of this report. However, for any development with the potential for significant environmental effects there is also the potential for interaction amongst these potential significant effects. The result of interactive effects may exacerbate the magnitude of the effects or ameliorate them, or have a neutral effect.

8.19.2. A matrix is presented in Table 13.1 to identify interactions between the various aspects of the environment already discussed in this EIAR. The matrix highlights the occurrence of potential positive or negative effects of the proposed development. Interactions have been identified between effects on Population and Human Health

and effects on Noise and Vibration, Air and Climate, Hydrology and Hydrogeology, Landscape and Material Assets. Interactions have been identified between effects on Biodiversity, Flora and Fauna with effects on Soils and Geology, Hydrology and Hydrogeology, Noise and Vibration. Interactions have been identified between effects on Soils and Geology with effects on Hydrology and Hydrogeology. Interactions have been identified between effects on Air and Climate with effects on Material Assets.

8.19.3. Where any potential interactive effects have been identified, appropriate mitigation is included in the relevant sections of the EIAR. I consider that this summary of the potential for interacting impacts is reasonable.

8.20. **Reasoned Conclusion.**

8.20.1. Having regard to the examination of environmental information contained above, and to the submission by the planning authority it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on population and human health as a result of noise, dust and traffic during the operational phase. The potential impacts would be mitigated by mitigation measures, such as the limiting of hours of operation and appropriate emission limit values
- Impacts on biodiversity are likely to arise due to the removal of habitat and disturbance. The impacts arising from the removal of habitat and disturbance would be mitigated by progressive restoration of the site to full restoration
- Landscape and visual impacts would arise on the landscape from the extraction area proposed. The implementation of landscaping and the full restoration to pre-quarry levels would mitigate potential adverse landscape and visual impacts.
- Positive significant impacts would arise during the operational phase and benefits would include employment and economic benefits.

8.21. **Conclusion**

8.21.1. I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

9.0 Appropriate Assessment

9.1. Having reviewed the documents and submissions on file including the Natura Impact Statement submitted with the Planning Application I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.2. I refer to the Natura Impact Assessment (NIS) submitted with the application. A description of the site is provided in Section 1.0 Site Location and Description of this report above. The project site comprises approximately 27.5 hectares of land located within the townland of Barrettstown Park, approximately 6.5 kilometres to the west of Athenry. The site consists of an existing, operational quarry with associated infrastructure.

9.3. As documented it is intended to extend the extraction area of the existing quarry using the adjacent land to the east, north and southwest of the existing quarry by approximately 6.7 hectares. The study area measures approximately 27.5 hectares. The proposed quarry operations will include the following site related infrastructure which is similar to that used historically at the site:

- Site office which also includes toilet and shower, canteen and staff room;
- Machinery shed
- 2 no. concrete batching plants
- 2 no Loading silo/hopper
- 1 no. Wash down area
- 1 no. Mobile tracked excavator
- 2 no. Loading Shovels
- 2 no. crushers

- 3 no. screeners

9.4. Further details of proposed works are set out below:

- **Wheel wash** - An automated full -underbody truck wash is installed near the site entrance in a position that requires all trucks entering and exiting the quarry area to pass through it.
- **Infrastructure** - The proposed development is intended to allow for the future use of the limestone resource using the existing site infrastructure, plant items and the methods used as part of the development of the quarry. It is not proposed to alter the existing infrastructure at the site or introduce any new methods of extraction or new types of plant items.
- **Rock Extraction** - Rock will be extracted primarily by means of blasting. The drilling rigs used are normally purpose built, self-propelled machines, designed specifically for drilling blast boreholes. The locations, depth and number of boreholes are determined by the blast engineer. The management of explosives onsite and the actual blasting operation is to be agreed in advance with and supervised by An Garda Siochana.
- **Processing** - Blasted rock will be loaded directly into a crusher to size it down to standard dimensioned aggregates. The mobile crusher used will be located as close as possible to the blasted rock face and blasted rock to minimise the distance over which the rock has to be transferred into the crusher. Crushers and screeners will produce finished products of aggregates for use in concrete and other construction and civil engineering projects. The finished products are transported to stockpiles for storage until they are transported off site or used in concrete production. The quarrying operations that will occur in the proposed extraction areas will not diverge from the quarry operations used to develop the previous quarried area. No additional types of quarrying plant will be brought on to site during the quarry operations of the proposed extraction areas.
- **Site Drainage** - The proposed extraction area will have a floor level no lower than the current floor level of the existing quarry. The depth of excavation and current quarry floor level has not intercepted the water table, and therefore only small amounts of rainfall runoff has to be managed within the quarry area. The majority of rainfall percolates to ground via the quarry floor. Excess runoff is

directed to a sump, located in the centre of the quarry floor, into which all water from the working area of the quarry drains and will continue to drain from the proposed extension area. Water draining to the sump is allowed to settle for long periods of time, before being pumped periodically up to the top of the quarry face, and discharged into a concrete settlement tank. Water leaves the settlement tank via a level weir, and is then discharged to a large, stoned infiltration area, where it is reconverted to groundwater through infiltration of the soil. The storage volume of the existing sump will be increased to facilitate increased surface runoff from the proposed quarry extension. Regular maintenance of the sump pond will be carried out, which will involve removal and appropriate disposal of extracted silt.

- **Water Supply** - Water to supply the quarry is sourced from the sump pond and a bored well on the quarry property. The sump pond supplies water for dust suppression and material wetting, while the bored well is and will be used for drinking water, supply the wheel wash and concrete production.
- **Wastewater Management** - Wastewater arising on-site from the staff toilets is treated through an existing onsite wastewater treatment system (septic tank system and associated soak away system).
- **Refuelling** - Wherever possible, vehicles are refuelled off-site. Only quarry plant will be refuelled on site using a mobile double skinned fuel bowser. The tractor will carry fuel absorbent material and pads in the event of any accidental spillages. Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills. Only designated trained and competent operatives are authorised to refuel plant on site.
- **Site Reinstatement** - Once quarry operations have ceased within the proposed extraction areas, thin layers of soil and overburden shall be spread over the quarry floor, in targeted locations, and allowed to natural re vegetate. Overburden will also be spread on the safety benches. The earthen berms surrounding the perimeter of the site will be planted with native species to assist in screening the quarry.

9.5. A multidisciplinary ecological walkover survey of the development site and surrounding area was conducted on the 30 November 2018 and included a search for badger setts

and areas of suitable habitat, potential features likely to be of significance to bats and additional habitat features for the full range of other protected species that are likely to occur in the vicinity of the proposed development. In addition, other species of local biodiversity interest were also noted. No watercourses were recorded within or immediately adjacent to the site of the proposed development. No invasive species, listed on the Third Schedule of the S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011, were recorded within the study area. No botanical species protected under the Flora (protection) Order (1999, as amended 2015) were recorded during the survey.

9.6. **Stage 1 Screening for Appropriate Assessment**

9.7. As stated, the application included a Natura Impact Statement to evaluate the potential impacts(s) of the proposed development on European Sites located within the likely zone of impact. The development is not located within or directly adjacent to any Natura 200 sites, however 12 no Natura 2000 designated sites (SAC x 8 & SPA x 4) were identified within 15km of the site as follows;

1) Lough Corrib SAC (000297) 4km from the site.
2) Galway Bay Complex SAC (000268) 4.2km from the site.
3) Rahasane Turlough SAC (000322) 9.7km from the site.
4) Lough Fingall Complex SAC (000606) 12.1km from the site.
5) Castletaylor Complex SAC (000242) 12.4lm from the site.
6) Monivea Bog SAC (002352) 12.8km from the site.
7) Kilternan Turlough SAC (001285) 13.7km from the site.
8) Ardrahan Grassland SAC (002244) 14.4km from the site.
9) Inner Galway Bay SPA (004031) 6km from the site.
10) Creganna Marsh SPA (004142) 6.4km from the site.
11) Rahasane Turlough SPA (004089) 9.7 km from the site.
12) Lough Corrib SPA (004042) 11.3km from the site.

9.8. Given the distance, the intervening lands and lack of impact pathways between the project site and the following Special Area of Conservation sites

- Lough Corrib SAC (000297)
- Rahasane Turlough SAC (000322)
- Lough Fingall Complex SAC (000606)
- Castletaylor Complex SAC (000242)
- Monivea Bog SAC (002352)
- Kilternan Turlough SAC (001285)
- Ardrahan Grassland SAC (002244)

9.9. all of which are in a separate hydrological catchment, no potential for impact on these sites has been identified and therefore these sites have been screened out from further investigation.

9.10. Given the distance, the intervening lands and lack of impact pathways between the project site and the following Special Protection Area sites

- Creganna Marsh SPA (004142)
- Rahasane Turlough SPA (004089)
- Lough Corrib SPA (004042)

all of which are in a separate hydrological catchment and are not within the core foraging range of the SCI species for which the SPA has been designated, no potential for impact on these sites has been identified and therefore these sites have been screened out from further investigation.

9.11. However, the Galway Bay Complex SACs (000268) and Inner Galway Bay SPA (004031) are hydrologically connected (by groundwater only) to the project site. Potential for significant effects is considered below:

European Sites & distance from proposed development & Conservation Objective	**Qualifying Interests / Special Conservation Interest (NPWS)**	**Potential Adverse effects Arising from the proposed development**
Special Area of Conservation (SAC)		
Galway Bay Complex SAC (000268)	Mudflats and sandflats not covered by seawater at low tide [1140]	Hydrological connection (by groundwater only) has been identified between the site of

3.9km To maintain the favourable conservation condition of qualifying interest / special conservation Interests which are defined by a list of attributes and targets as set out by the NPWS	Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170) Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330| Mediterranean salt meadows Juncetalia maritim) [1410] Turloughs (3180] Juniperus communis formations on heaths or calcareous grasslands (5130] Semi natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) |6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230] Limestone pavements [8240] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) 1365]	the proposed project and Galway Bay Complex SAC. There is no potential for any direct effect on the SAC. Potential indirect impacts that may have an effect on the conservation objectives of this European site during the construction and operational phase include: ▪ Surface water runoff from quarry excavation ▪ Impact on groundwater / dewatering ▪ Storage of excavated / construction materials To ensure that no adverse effects occur further consideration will be given to the aquatic qualifying interests for which the SAC has been designated, in the absence of mitigation. Further assessment will be required. **SCREENED IN**
Special Protection Area (SPA)		
Inner Galway Bay SPA (004031) 5.7km To maintain the favourable conservation condition of	Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017]	Hydrological connection (by groundwater only) has been identified between the site of the proposed project and Inner Galway Bay SPA.

qualifying interest / special conservation Interests which are defined by a list of attributes and targets as set out by the NPWS	Grey Heron (Ardea cinerea) [A028] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria Interpres) (A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Sandwich Tern (Sterna sandvicensis) [A191] Common Tem (Sterna hirundo) [A193] Wetland and Waterbirds [A999]	There is no potential for any direct effect on the SPA Potential indirect impacts that may have an effect on the conservation objectives of this European site during the construction and operational phase include: ▪ Surface water runoff from quarry excavation ▪ Impact on groundwater / dewatering ▪ Storage of excavated / construction materials To ensure that no adverse effects occur further consideration will be given to the aquatic Special Conservation Interest features 'Wetland and Waterbirds' for which the SPA has been designated, in the absence of mitigation. Further assessment will be required. **SCREENED IN**

9.12. **Stage 2 Appropriate Assessment**

9.13. The Screening process above has examined the potential for the proposed development to cause adverse effects on Natura 2000 European Sites and qualifying features of interest and which require Galway Bay Complex SAC and Inner Galway Bay SPA to be brought forward for further consideration due to the following effects:

- Potential surface water runoff from quarry excavation during operational phase
- Potential impact on groundwater / dewatering during operational phase
- Potential impact from storage of excavated materials during operational phase

9.14. It is considered that the construction phase of the proposed development will not result in any direct or indirect loss or disturbance of the Annex I Habitats or Annex II Species for which both Natura sites have been designated.

9.15. A series of standard best practice mitigation measures are incorporated into the project design, as described in Section 7 of the EIAR and Section 2 of the NIS and summarised in Section 10.4 – 10.12 of this report above. This includes for all water being pumped from the quarry to be directed through a full retention oil interceptor prior to discharge to ground, as is currently being implemented on site. I refer to Section 7.4.3.3 of the EIAR where it is stated that the following control measures are already carried out at the quarry and will be in place for the proposed expansion:

- All plant and machinery will be serviced before being mobilised to site;
- Refuelling will be completed in a controlled manner using drip trays (bunded container trays) at all times;
- Fuel containers will be stored within a secondary containment system, e.g. bunds for static tanks or a drip tray for mobile stores;
- Containers and bunding for storage of hydrocarbons and chemicals will have a holding capacity of 110% of the volume to be stored;
- Fuel and oil stores including tanks and drums will be regularly inspected for leaks and signs of damage;
- Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills;

- Only designated trained operators will be authorised to refuel plant on site;
- Procedures and contingency plans will be set up to deal with emergency accidents or spills;
- An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill; and,
- All water currently pumped from the quarry is directed through an existing full retention oil interceptor prior to discharge to ground and will be the case during the proposed expansion.

9.16. **Analysis of "In-Combination" Effects**

9.17. Following a review of the current Development Plan, with particular reference to policies and objectives that relate to the Natura 2000 network and other natural heritage interests, no potential for cumulative impacts were identified when considered in conjunction with the current proposal.

9.18. A review of the Galway County Council planning register documented relevant general development planning applications within the vicinity of the proposed works, most of which relate to the provision and/or alteration of one-oft rural housing and agriculture-related structures. The following developments have also been included in the context of the cumulative assessment.

- Apple Data Centre - A report for screening for Appropriate Assessment and an Environmental Impact Statement (EIS) will be submitted with the planning application.
- Coshla Battery Storage Facility -

9.19. Neither of these projects have yet been developed but their potential cumulative impact in the context of the proposed development have been considered.

9.20. While it is considered highly unlikely that there is any potential for cumulative impacts, the implementation of the above mitigation measure will ensure that there is no potential for adverse effects on Natura 2000 sites. Therefore, it is concluded that there will not be any significant in-combination contribution by the proposed development to possible adverse effects on the Galway Bay Complex SAC and Inner Galway Bay SPA.

9.21. **Conclusions**

9.22. In the absence of mitigation, the potential significant impacts on the Galway Bay Complex SAC and Inner Galway Bay SPA are potential impairment of water quality during the operational phase. A number of mitigation measures are identified in the EIAR and NIS to ensure water quality (surface and ground) is protected within the vicinity of the site and which follows best practice and this reduces the potential for run off pollutants from the construction works.

9.23. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on the Galway Bay Complex SAC and Inner Galway Bay SPA was identified. Appropriate Assessment has demonstrated that where potential adverse effects were identified in view of the conservation objectives of these sites, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of the Galway Bay Complex SAC and Inner Galway Bay SPA will be avoided

9.24. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Galway Bay Complex SAC and Inner Galway Bay SPA or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.0 Recommendation

10.1. It is recommended that permission be **GRANTED** subject to conditions for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to:

i) The provisions of the Galway County Development Plan 2022 - -2028 in respect of extractive industries

ii) The "Quarries and Ancillary Activities, Guidelines for Planning Authorities" issued by the Department of the environment, Heritage and Local Government (2004)

iii) The Environmental Impact Assessment Report submitted with the application to develop the quarry

iv) The Natura Impact Statement submitted with the application to develop and extend the quarry

v) The nature and scale of the development the subject of this application to develop and extend a quarry

vi) The proposed mitigation measures and restoration scheme proposed

vii) The planning history of the site

viii) Further submissions from the parties in response to reports / observations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Development Plan policies, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would not be likely to have a significant detrimental effect on ecology or protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st day of April 2020 as amended by the further plans and particulars submitted on the 15th day of September 2020 and by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing

	with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason**: In the interest of clarity.
2.	Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant permissions granted by the planning authority and An Bord Pleanála. **Reason**: In the interest of clarity and orderly development.
3.	a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission. b) The developer shall appoint an Environmental Manager with suitable ecological and construction expertise to ensure that these mitigation measures are fully implemented. A report of compliance with the mitigation measures shall be submitted to the Planning Authority following a timeframe to be agreed in writing with the Planning Authority prior to the commencement of development. **Reason**: In the interest of protecting the environment and in the interest of public health
4.	a) This grant of planning permission for further extraction of sand & gravel, relates only to the areas outlined on the drawings submitted on the 21st April 2020. All extraction and processing operations on site shall cease 20 years from the date of the grant of permission. All plant and machinery shall cease operation and shall be removed from site within 20 years of the date of this grant of planning permission. b) Restoration of the site shall be in accordance with the restoration plan submitted on the 15th day of September 2020 and shall be completed

	within 20 years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use. c) The developer shall submit, every second year, for the twenty-year lifetime of the permission to further develop the quarry, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction. The first such shall be submitted two years from the date of this order. **Reason**: In the interests of orderly development and to ensure the appropriate restoration of the site.
5.	a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 137 number (two-way movements). b) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movement shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority. **Reason**: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interests of traffic safety, having regard to the constrained nature of the junction of the Coshla Road (L7109) with the R339 regional road.
6.	No quarry Heavy Goods Vehicle (HGV) traffic shall use the access route involving the L-7109 local road and R348 regional road. Prior to commencement of development, proposals for signage and other appropriate management measures to ensure compliance with this condition shall be submitted to the planning authority for written agreement. **Reason**: In the interest of road safety.

7.	No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of 5m above the winter water table level as specified. **Reason**: To protect groundwater in the area
8.	Upon completion of restoration the applicant shall submit to Galway County Council Planning Section for their written agreement a digital topographical survey of the final restored contours. **Reason**: To ensure full restoration of the landscape.
9.	The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority, prior to commencement of development. This shall include proposals for the following: a) suppression of on-site noise, b) on-going monitoring of sound emissions at dwellings in the vicinity, c) suppression of on-site dust, d) safety measures for the land above the extended quarry void; to include warning signs and stock-proof fencing/hedgerows, e) management of all landscaping, f) monitoring of ground and surface water quality, levels and discharges, g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site. **Reason**: In order to safeguard local amenities
10.	a) Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T): Day 55dB(A)Laeq (30 minutes) (08:00 hours to 22:00 hours). Night 45dB(A)Laeq (30 minutes) (22:00 hours to 08:00 hours).

	Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a quarterly basis per year. b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site. **Reason**: In order to protect the residential amenities of property in the vicinity
11.	On-site operations, other than blasting operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive. **Reason**: To protect the amenities of properties in the vicinity of the site.
12.	a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). b) Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures c) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the

	programme required by the planning authority following this annual review. **Reason**: To control dust emissions arising from the development and in the interest of the amenity of the area.
13.	a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration. b) 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 of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain: i. A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes. ii. An annual topographical survey carried out by an independent qualified surveyor approved in writing 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. iii. A record of groundwater levels measured at monthly intervals. iv. A written record of all complaints, including actions taken in response to each complaint. c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface

	water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement d) All incidents where levels of noise or dust exceed specified 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. e) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission. **Reason**: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.
14.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. **Reason**: To ensure the satisfactory restoration of the site in the interest of visual amenity.
15.	The developer shall pay to the planning authority a financial contribution of €122,566.40 (one hundred and twenty two thousand, five hundred and sixty six euro and forty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution

	shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition 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. **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.
16.	The developer shall pay the sum of €25,000 (twenty five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of road improvement works at the junction of the L-7109 local road and the R339 regional road and on the L-7109 road at the entrance to the quarry. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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. **Reason**: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

_____

Mary Crowley

Senior Planning Inspector

14th April 2023