



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308748-20

#### Development

25-year permission for a quarry development over a total area of 8.4 hectares comprising the removal of vegetation and overburden, extraction of rock by blasting and rock breaking means, landscaping and restoration of site, all associated ancillary facilities/works.

#### Location

Cregaree, Cong, Co. Mayo

#### Planning Authority

Mayo County Council

#### Planning Authority Reg. Ref.

20/77

#### Applicant(s)

McGraths Limestone Works Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

1. First Party vs. conditions
2. Third Party vs. grant

#### Appellant(s)

1. McGrath Limestone Works Ltd.
2. Emily Brophy

<b>Observer(s)</b>	None.
<b>Prescribed Bodies</b>	Health Service Executive Transport Infrastructure Ireland Geological Survey Ireland Department of Environment, Climate and Communications
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2021
<b>Inspector</b>	Stephen Ward

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## 1.0 Site Location and Description

- 1.1. The site effectively constitutes the remaining unworked section of McGraths Limestone Quarry, which is located c. 500m northwest of the village of Cong, Co. Mayo. A small southern portion of the existing quarry, including the entrance, is actually part of Co. Galway. However, the appeal site is located in the northeast corner of the quarry holding (c. 67.7 hectares) and is entirely within Co. Mayo. The appeal site has a stated area of 8.4 ha and is c. 1km from the village of Cong.
- 1.2. The historical and proposed development of the overall quarry lands can be explained by the consideration of the lands in 3 sections. The original quarry area (c. 43.47 ha, referred to as 'Area A' in the application documents) at the southern end of the holding benefits from a pre-1963 authorisation. An adjacent area (c.10.58 ha, referred to as 'Area B' in the application documents) to the north of the original quarry was granted substitute consent (ABP Ref. SU16.SU0132) and permission to further develop the quarry under a Section 37L permission (ABP Ref. QD16.QD0009) by the Board in 2017.
- 1.3. The application site (c. 8.4 hectares), located in the northeast corner of the overall holding, comprises the remaining unworked area of the quarry (referred to as 'Area C' in the application documents). It is surrounded by 'Area B' to the south, north and west, and by a buffer of planted berms to the east. The site generally consists of a mixture of grassland, scrub, and woodland.
- 1.4. The immediate surrounding area is generally of undulating rural character and mainly consists of agricultural use and one-off rural housing. The wider landscape is dominated by Lough Mask (c. 3km to the northwest) and Lough Corrib (c. 2km to the south). The two lakes are connected by the Cong Canal, which runs along the eastern boundary of the overall quarry, c. 100m from the proposed extraction area.
- 1.5. Access to the existing quarry is off the R345 Regional Road to the south, which runs between Cong and Clonbur. The entrance / exit area includes offices, a workshop, garage, wheelwash, weighbridge, parking and other ancillary facilities. The original quarry area (Area A) is now host to a variety of processing and manufacturing plant and facilities including a lime plant, processing area, batching plant, asphalt plant and block yard. It also includes a quarry sump, an attenuation sump, and a settlement lagoon in the southeast corner.

## 2.0 Proposed Development

- 2.1. The proposed development involves the extraction of material from an 8.4-hectare greenfield site adjacent to the existing working quarry. The site surface levels range from c. 24m OD at the southwest corner to c. 16m OD at the northeast corner. Extraction is proposed over 2 phases to a maximum depth of 5m OD, which will correspond with the depth conditions of the previous Section 37L approval by the Board for 'Area B'. It is stated that the proposed development will not result in an increased extraction rate and the applicant is seeking a 25-year permission. Whilst the proposed works relate to the extraction area only, a description of the associated activities in the existing quarry also follows in the interest of completeness.
- 2.2. The proposed works involve the phased removal of overburden using an excavator, prior to the extraction of the underlying bedrock. The overburden removed will be stored on site and will be graded and planted in berms to provide screening. Where present, building stone will be removed using an excavator and stockpiled as a saleable product. Blasting will be used at pre-determined times to fragment the material to a manageable size. Occasional rock-breaking may be required to further reduce blasted material.
- 2.3. Material will be transported from the excavated area to the main quarry for processing using dump trucks via internal haul roads. Excavated material will be passed through the screening and crushing plant at the existing quarry and processed material will be stockpiled around the processing plant in various grades.
- 2.4. The excavated material will be used in the ongoing on-site manufacture of various products including graded aggregates, concrete products, asphalt products, stone and agricultural products. Products are transported to the market in heavy and light good vehicles via the R345 and the wider road network.
- 2.5. Excess surface water will be directed to a sump located at the lowest point of the application area, and then onwards to an attenuation sump in the existing quarry floor. Water will be retained here before being pumped to an existing settlement lagoon which facilitates the settling of suspended solids. Water is discharged from the lagoon via a culvert to the Cong Canal in line with a discharge licence granted by Galway County Council in December 2019 (Ref. No. W391/05 R1).

- 2.6. A Landscape & Restoration Plan is included which outlines that landscaping works will be undertaken during the lifetime of the quarry. At the end of its lifetime, all plant and machinery will be removed; site boundaries will be secured; additional landscaping will be completed; and the water level will be allowed to return to its natural level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. By order dated 27<sup>th</sup> October 2020, Mayo County Council (MCC) issued notification of the decision to grant permission, subject to conditions. The notable conditions of the decision can be summarised as follows:

- Condition 4 states that the permission relates to 'Stage 1 only' and that the depth of excavation shall be limited to 'five metres above Ordnance Datum'.
- Condition 6 requires the developer to keep a record of 'all materials extracted from the site and produced on the overall site as outlined in blue'.
- Conditions 7, 8, 9 and 10 set out procedures and limitations for blasting.
- Condition 11 sets out limits for noise during the operational phase.
- Condition 12 sets out procedures and limits relating to dust emissions.
- Condition 18 requires the establishment of an Environmental Monitoring Committee 'for the entirety of the site as outlined in blue'.
- Condition 22 requires a bond / cash deposit of €203,200 to secure the satisfactory reinstatement of the site.
- Condition 23 requires an annual payment of €1,600 towards environmental improvements, recreational or community amenities in the locality.
- Condition 24 requires the payment of €37,800 towards the maintenance and repair of the public road.

- 3.1.2. Condition no.'s 4, 6, 12, 18, 22, 23 and 24 have been appealed by applicant and are discussed in more detail later in this report.

### 3.2. Planning Reports

#### Planner's Report

3.2.1. Apart from a note from the A/Senior Planner (5<sup>th</sup> March 2020) confirming that there is no requirement for further flood risk assessment, there is no evidence on file that a planner's report was prepared in advance of the request for further information (RFI) of 8<sup>th</sup> April 2020, which appears to have been based on the other technical reports outlined below. Subsequent to the receipt of the further information on 23<sup>rd</sup> July 2020, the planner's report of 11<sup>th</sup> September 2020 requested clarification of the information received relating to the following:

- The source of complaints relating to blast activities; the results of vibration monitoring on the days of these blasts; and details of subsequent changes to blasting regimes.
- Locations for additional dust / noise / vibration monitoring at the northern end of the quarry.

3.2.2. The requested clarification was submitted on 1<sup>st</sup> October 2020 and the final planner's report can be summarised as follows:

- An Environmental Impact Assessment has been completed and concludes that the proposed development would not have a significant adverse effect on the environment.
- Appropriate Assessment has been completed and concludes that the proposed development, on its own or in combination with other plans and projects, would not adversely affect the integrity of a European Site.
- An archaeological assessment has been completed and the MCC archaeologist has confirmed satisfaction with the findings of the report.
- The RFI, including subsequent clarification, has been adequately addressed by the applicant.
- The proposed development will provide a steady source of material for the quarry over the next 25 years and the proposed levels are consistent with those recently permitted by the Board.



- It is recommended to grant permission, subject to conditions, which forms the basis of the MCC notification of decision.

### Other Technical Reports

- 3.2.3. Environment, Climate Action and Agriculture: A report from the Environmental Technician on 6<sup>th</sup> March 2020 confirms that the NIS has been reviewed and agrees with its findings.
- 3.2.4 A report of 7<sup>th</sup> April 2020 from the A/Senior Executive Scientist requested further information in relation to the following:
- Petrol interceptors and fuel storage
  - Design calculations for the settlement lagoons
  - Up-to-date well searches for the area
  - Dust monitoring locations
  - Noise impact assessment and details of noise monitoring, procedures for blasting operations, and vibration monitoring locations
  - Details of complaints received relating water pollution, air, noise, vibration.
- 3.2.5. Subsequent to the receipt of further information, the A/Senior Executive Scientist report of 11<sup>th</sup> September 2020 requested clarification on the source of complaints relating to blast activities; the results of vibration monitoring on the days of these blasts; and details of subsequent changes to blasting regimes.
- 3.2.6. Area Engineer: The report of 10<sup>th</sup> March 2020 recommends referral to 'Road Design' in relation to HGV movements through the village of Cong. Subsequent to the receipt of further information, the report of 17<sup>th</sup> August 2020 confirms that there are no objections subject to the payment of a contribution of €37,800 towards the maintenance and repair of the public road due to prolonged deterioration associated with HGV movements.
- 3.2.7. Archaeologist: The report of 5<sup>th</sup> March 2020 requests the submission of an archaeological assessment. Subsequent to the receipt of further information, the report of 12<sup>th</sup> August 2020 confirms that no archaeological site or monument will be affected, and no further work is required.

3.2.8. Road Design: The report of 20<sup>th</sup> August 2020 confirms that there are no objections subject to standard conditions.

### 3.3 Prescribed Bodies

None.

### 3.4. Third Party Observations

One submission was received from the appellant. The issues raised are covered in the grounds of appeal (see section 6.0 of this report).

## 4.0 Planning History

4.1. An examination of the planning authority reports and An Bord Pleanála records has established an acceptance that 'Area A' benefits from a pre-1963 authorisation.

4.2. The following planning history is relevant to the appeal:

**P.A. Ref. 73/1614** – Permission granted by MCC to open the quarry and construct a crushing and block making plant.

**P.A. Ref. 91/546** – Permission granted for erection of workshop for storing vehicles.

**P.A. Ref. 06/2264** – Permission granted (24<sup>th</sup> October 2006) for extension to offices and on-site wastewater treatment plant.

**P.A. Ref. Q18** – Conditions imposed by MCC in March 2007 on current and future quarrying operations in accordance with the quarry registration process under section 261 of the Planning and Development Act 2000 (as amended). Notable conditions include the following:

- No. 3 - Final quarry floor level to be agreed.
- No. 5 - Records of all extracted materials to be kept.
- No.'s 7 to 12 – Traffic management and safety provisions.
- No.'s 13 to 18 – Control of noise, blasting and dust.
- No.'s 19 to 25 – Control of water pollution.
- No.'s 26 to 27 – Environmental monitoring requirements.

- No.' 29 to 30 – Landscaping and restoration of the site.

**P.A. Ref. 09/667** - Permission granted (27<sup>th</sup> October 2009) for construction of ESB substation.

**ABP Ref. QV16.QV0288** - Under section 261A of the Planning and Development Act 2000 (as amended), the Board confirmed on 16<sup>th</sup> December 2013 that substitute consent was required for 'Area B', including the submission of a remedial EIS and a remedial NIS.

**P.A. Ref. 16/200** – Permission granted (20<sup>th</sup> July 2016) for erection of an asphalt mixing plant.

**ABP Ref. SU16.SU0132** – Substitute consent granted (8<sup>th</sup> December 2017) for 'Area B' (10.58 ha) subject to conditions including requirements for the restoration of the quarry unless a permission for further development is granted.

**ABP Ref. QD16.QD0009** – Under section 37N of the Planning and Development Act 2000 (as amended), permission was granted (8<sup>th</sup> December 2017) for the further development of 'Area B' of the quarry (10.58ha), subject to conditions. Notable conditions include the following:

- No. 1 - Requires implementation of EIS and NIS mitigation measures.
- No. 2 - Limits the duration to a period of 25 years.
- No. 3 - Limits the permission to Stage 1 only, an extraction depth of 5m OD.
- No.'s 5 to 8 – Controls relating to blasting, vibration, noise and dust.
- No. 9 - An Environmental Monitoring System (EMS) shall be agreed.
- No. 10 - Restoration proposals to be agreed.
- No. 12 - Section 48 Development Contribution to be agreed.
- No. 13 - Section 48 (2)(c) special Development Contribution to be agreed in respect of road improvements to R345 Regional Road.

**P.A. Ref. 18/724** – Permission granted (17<sup>th</sup> December 2018) for extension to workshop/garage and erection of machinery storage shed.

- 4.3. In addition to the above, it is noted that surface water from the quarry is discharged via a culvert to the Cong Canal in line with a discharge licence granted by Galway

County Council in December 2019 (Ref. No. W391/05 R1). It is stated that the asphalt plant operates under an air emissions license granted by Mayo County Council in January 2006 (Ref No. P11f).

## 5.0 Policy Context

### 5.1. National Policy & Guidance

- 5.1.1. The **National Planning Framework (Project Ireland 2040)** and the **National Development Plan 2018-2027** set out a vision for the future development of the country and support the sustainable development of rural areas by encouraging growth. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
- 5.1.2. The **Quarries and Ancillary Activities Guidelines for Planning Authorities** (April 2004) offers guidance to Planning Authorities on planning for the extractive industry. The importance of quarries is emphasised and the continued need for aggregates is highlighted. Chapter 3 refers to the environmental implications and outlines the range of potential environmental effects caused by quarries which need to be considered. The principal environmental impacts are listed as: noise and vibration, dust deposition / air quality, water supplies and ground water, natural heritage, landscape, traffic, cultural heritage and waste management. Section 3.10 refers to the use of Environmental management systems (EMS), a form of environmental monitoring, which should be considered as best practice for the environmental management of quarries.

### 5.2. Development Plan

- 5.2.1. The operative plan for the area is the **Mayo County Development Plan 2014 - 2020**, the lifetime of which has been extended in accordance with the provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended).

- 5.2.2. Objectives EI-01 and EI-02 aim to ensure that the extraction of stone and sand and gravel resources is carried out in a manner that minimises its impact on the environment and complies with the national guidelines. Section 57 of Volume 2 recognises that the location of extractive industries is dictated by the availability of the resource and hence each application will be determined on its own merits. In general, extractive developments will only be permitted where they will not have an adverse impact on adjoining properties and the environment.
- 5.2.3. With regard to landscape characterisation, the site is within the defined Policy Area 4A – Lakeland Sub-area. Quarrying is regarded as having a medium potential to cause adverse landscape effects in this area. Potential to cause adverse effects would be higher in all the other landscape policy areas. The Regional Road (R345) to the south of the quarry is designated as a Scenic Route. However, no ‘Scenic Views’ are identified in the vicinity of the site. Objectives LP-01/02/03 seek to ensure the protection of the landscape.
- 5.2.4. Objectives AN-01/02 and WQ-01 set out aims in relation to the protection and improvement of environmental standards relating to air, noise and water quality.
- 5.2.5. While the appeal site is located entirely within the functional area of MCC, I note that the southern extremity of the existing quarry, including the entrance and the water discharge, is within County Galway. Accordingly, I have reviewed the **Galway County Development Plan 2015 – 2021** and note that Policies EQ-1/2 and Objectives EQ-1/2 support the appropriate exploitation of aggregate resources in accordance with best practice and environmental management measures.

### 5.3. **Natural Heritage Designations**

The nearest Natura 2000 sites are Lough Carra/Mask Complex SAC (c. 1.4km to the west), Lough Mask SPA (c. 2.3 km to the northwest), and Lough Corrib SAC & SPA (c. 1.7km to the south). There are several other Natura 2000 sites within a surrounding 15km radius of the site.

## 6.0 The Appeal

### 6.1. Third-party Appeal

6.1.1. The decision of MCC to grant permission has been appealed by a third party, namely Emily Brophy, of 90 Handel House, Loreto Abbey, Rathfarnham, Dublin 14. The third-party appeal includes and elaborates on the issues raised in the original submission to the planning authority. The grounds of appeal can be summarised as follows:

- The location of the Site Notice was not conspicuous; it was not inspected by the planning authority; and the wording of the notice should have referred to an extension of the existing quarry and the requirement for a 'waste discharge license'.
- The drawings do not provide adequate detail in relation to adjoining land use; existing and proposed levels; and the proposed road layout.
- Concerns that extraction within 'Area B' has exceeded the 5m OD level stipulated in its permission and constitutes unauthorised development.
- Boundary treatments are not safe and secure.
- The application should refer to the mitigation measures for the proposed development, not those in existence at the existing quarry.
- Alternative options, including the exhaustion of the permitted areas of the quarry, have not been adequately considered. The extension of the quarry may not be necessary at this time.
- The potential impacts of the development, as described in the EIS (*sic*), do not consider the combined or cumulative effects of adjoining land use, including the existing quarry and its environmental protection systems.
- The potential climate impacts, both of and on the proposed development, do not adequately consider the overall impact of climate change, including potential rising rainfall levels and increased lake and river water levels.
- It is unclear whether a new discharge license is required for wastewater associated with the application area.
- The AA should address the impacts of entirety of the overall quarry and lacks detail regarding the construction of internal haul routes.

- It is evident from historical aerial images that extensive works associated with quarrying have been carried out in the application area without permission, including the removal of woodland, haul routes and land infill.
- Having regard to the unauthorised development and the requirement to carry out EIA and AA, the application should have been invalidated by MCC.
- Concerns are raised about the blasting records submitted, which may conceal the depth of blasting and excavation below permitted levels.

## 6.2. First-Party Appeal

6.2.1. A number of the conditions of the MCC decision have been appealed by the applicant, McGraths Limestone Works Ltd. The full details of the relevant conditions and the grounds of appeal are set out hereunder.

6.2.2. **Condition no. 4** states as follows:

*This grant of permission for further development of the quarry relates to Stage 1 only, and the developer shall comply with the following:*

- (a) The depth of excavation in the quarry shall be limited to five metres above Ordnance Datum.*
- (b) Prior to commencement of development, a benchmark shall be established on site as a reference point from which all levels shall be taken. Details of the location and construction of the benchmark shall be agreed in writing with the planning authority.*
- (c) A topographical survey shall be submitted to the planning authority on a three-yearly basis before the end of June.*

**Reason:** *Having regard to the levels of excavation already carried out elsewhere on the overall site, the likely time period required to complete Phase 1 as applied for, the desirability of reviewing the performance of environmental management measures on site at appropriate intervals (in particular management of groundwater and surface water) it is considered appropriate that the continued deepening of the quarry beyond Phase 1 (to 5m OD) be re-assesses having regard to the circumstances then prevailing and taking into consideration all environmental monitoring information that will be available at that time.*

6.2.3. The applicant contends that this condition mirrors condition no. 3 of the section 37L permission (ABP Ref. QD0009) and has not been updated to reflect the current permission, phases 1 and 2 of which propose to extract to a maximum depth of 5m OD.

6.2.4. **Condition no. 6** states as follows:

*The developer shall keep a record on site of all materials extracted from the site and produced on the overall site as outlined in blue, commencing one month from the date of this permission. These records shall be made available to Mayo County Council on request.*

**Reason:** *In the interest of orderly development on site.*

6.2.5. The applicant contends that this condition places a burden of the developer in relation to matters outside the application area and does not consider the conditions that are already in place for the main quarry.

6.2.6. **Condition no. 12** states as follows:

*Total dust emission arising from on-site operations shall not exceed 350 mg/m<sup>2</sup> per day averaged over a continuous period of thirty days when measured as deposition of insoluble and soluble particulate matter and at any position on the boundary of the facility. Dust suppression measures shall be as set out in the EIS and shall include the following:*

*Material that has been screened to remove three millimetres and under;*

*a) No materials shall be stored in the open except for:*

- (i) Sand and scalplings;*
- (ii) Crusher run material mor blended material or materials used for a road basis which have been conditioned in each case before deposition;*
- (iii) Material under three millimetres that is in excess of the day to day storage capacity to be agreed, in writing, with Mayo County Council.*

*b) All conveyors, other than deep trough ground level conveyors carrying primary crusher material, shall be enclosed in order to minimise wind whipping unless the material has already been screened to remove material under three millimetres in size. Transfer points between conveyors shall be enclosed and fitted with flexible seals on inlets and exits. The coneysors shall*



*be fitted with effective means of cleaning to minimise dust dropping off the returning conveyor.*

- c) *An all vehicle wash shall be constructed so as to remove all loose material from the wheels and the body of all vehicles. The wash shall incorporate under body power washing. The wash shall be operational before quarry product leaves the site.*

**Reason:** *To control the dust emissions arising from the proposed development in the interest of the amenities of residences and property in the vicinity.*

- 6.2.7. The applicant contends that the entire condition appears to relate to a sand and gravel pit, not a quarry as is proposed. The application is for the blasting and removal of rock to the existing working quarry and processing plant, which are outside the application area. The condition is addressing issues which are not applicable to this application and should be struck out.

- 6.2.8. **Condition no. 18** states as follows:

*Prior to commencement of development, an Environmental Monitoring Committee (EMC) shall be established, for the entirety of the site as outlined in blue on site layout plan to monitor surface water run-off, drainage control, traffic management and road maintenance, implementation of the landscape plan and other environmental issues. The EMC shall comprise one representative of the developer, representatives of Mayo County Council, and an invitation shall be extended to the North West Regional Fisheries Board, National Parks and Wildlife Services and the Environmental Protection Agency to provide one representative each for the committee. In addition, two representatives of the local community, selected in accordance with procedures to be agreed with Mayo County Council, shall be invited to serve on this committee. The EMC shall have the right to co-opt other members as required. The Chief Executive, Mayo County Council, or his/her nominee shall chair the EMC. Details of the mode of operation for the committee, including frequency of meetings, reporting and liaising arrangements with other persons and bodies, shall be agreed with Mayo County Council before any further development on the site.*

**Reason:** *To ensure effective monitoring during construction in the interest of the proper planning and sustainable development of the area.*

6.2.9. The applicant outlines that the quarry complex has been in operation for over 70 years and that the current application relates to an area of just 8.5ha within an overall quarry of 64ha. The condition seeks to impose conditions on the existing quarry without considering those already in place and should be struck out. The applicant states that the quarry is already highly monitored and that monitoring results are regularly submitted to MCC and Galway County Council in relation to the water discharge.

6.2.10. **Condition no. 22** states as follows:

*Within 3 months of the date of this permission, the applicant shall lodge with Mayo County Council a cash deposit of €203,200 to secure the satisfactory reinstatement of the site in accordance with the Schedule of Works submitted to Mayo County Council on February 10<sup>th</sup> 2020.*

**Reason:** *In the interests of orderly development and to ensure the satisfactory restoration/reuse of the site upon complete extraction of material from the site.*

6.2.11. The applicant requests clarification of this figure and the area to which it applies. It is stated that the requirement for a cash deposit imposes a financial burden and that some other form of security should be allowed.

6.2.12. **Condition no. 23** states as follows:

*Prior to the commencement of development, the developer shall pay the sum of €1,600 and this sum shall be paid annually and shall be reviewed annually, adjusted in accordance with the Building Cost Index, as a contribution towards the cost of the provision of environmental improvements, recreational or community amenities in the locality. The identification of such projects shall be decided by Mayo County Council having consulted with the local community.*

**Reason:** *It is considered reasonable that the developer should contribute towards the specific exceptional costs of environmental, recreational or community amenities, which will help, mitigate the impact of the development on the local community and which are not covered in the Development Contribution Scheme and which will benefit the proposed development.*

6.2.13. The applicant questions whether this is a general contribution in accordance with the Mayo County Council Development Contribution Scheme.

6.2.14. **Condition no. 24** states as follows:

*Prior to the commencement of development, the applicant shall pay a contribution of €37,800 towards the maintenance, and repair of the public road due to the prolonged deterioration of the road from HGV movements.*

**Reason:** *In the interest of traffic safety*

6.2.15. The applicant questions whether this is a general contribution in accordance with the Mayo County Council Development Contribution Scheme. It is stated that there is no basis for the calculation of costs or justification in accordance with the requirements of the scheme. The applicant contends that the development will not have any additional impact on the road network and highlights that the road servicing the quarry complex is within County Galway.

### 6.3. **Applicant Response**

6.3.1. The applicant's response to the third-party appeal can be summarised as follows:

- The Site notice and advertisement was approved by the planning authority and a drawing showing the site notice locations is included.
- The documentation submitted, including any additional information required, was deemed satisfactory by the planning authority.
- The applicant clarifies the permitted extraction depths, stating that no maximum depth is specified for 'Area A'; that 'Area B' is authorised to a depth of 5m OD; and that 'Area C' has been cordoned off to prevent quarry operations impinging. It is stated that the applicant has gone to great lengths to ensure that all conditions are fully complied with.
- The safety and security of the overall quarry is addressed by a full-time Safety Officer in accordance with relevant legislation and standards.
- The existing and proposed mitigation measures for the application site and overall quarry area are highlighted, as well as the Environmental Management System already in place.
- A number of options were considered and the subject area within the existing quarry complex was considered the most sustainable.

- The cumulative impact of the proposed development, the existing quarry and other developments was considered in the EIAR.
- Section 9 of the EIAR addresses climate issues and section 8 addresses increased rainfall and water levels.
- The current Discharge Licence takes into account the entire quarry complex, including the proposed extension.
- Section 5 of the NIS considers the in-combination effects of the development.
- The aerial images submitted by the appellant date from 2005 and 2013, which precede the Substitute Consent and Section 37L applications made in 2015. The images are out of date and refer to lands outside the quarry complex, and the appellant wrongly concludes that unauthorised development has taken place. The current application complies with the requirements of the Planning Regulations, EIAR and the Habitats Directive, which has been verified by the planning authority.

6.3.2. The response includes a letter from the applicant's solicitor which discusses the circumstances surrounding the appeal. It contends that the appellant is connected to the owner of a competitor quarry and has shown no reason for her involvement, and that the appeal should be dismissed in accordance with the provisions of section 138 of the Planning and Development Act 2000 (as amended).

#### 6.4. **Planning Authority Response**

None.

#### 6.5. **Observations**

None.

#### 6.6. **Prescribed Bodies**

6.6.1. The Health Service Executive (HSE) has made a submission incorporating the comments of their Environmental Health Service (EHS), which confirms that an EIA scoping consultation was previously completed with the applicant. The submission

effectively responds to the grounds of the Third-Party appeal and can be summarised as follows:

- The EHS is not aware of any complaints regarding the existing quarry.
- The question of whether the proposal is an extension, or a new development, is a material consideration due to the need to consider existing impacts and baseline data, as well as the implications for further consents required.
- It is unlikely that either a Waste Licence or an IE Licence is required.
- The Health and Safety Authority's advice on boundary treatment for quarries advises that, where the risk of public access is low, hedges, stock proof fencing, bunds, trenches, or mounds may be sufficient. Where the risk of trespass is high, sophisticated metal paling fences will be required.
- There is an interdependency between the operation of the existing and proposed quarries.
- Mitigation measures for 'Land, Soils and Geology', 'Water', 'Air', and 'Noise and Vibration' have been reviewed and the following observations apply regarding the protection of public health:
  - Dust monitoring of the existing quarry shows compliance with a limit of 350mg/m<sup>2</sup>/per day, which is generally accepted as suitable standard. A programme of increased mitigation should address instances where exceedances were recorded.
  - Noise and blast monitoring shows compliance with EPA standards.
  - If the proposal is an extension, it should operate within the existing dust and noise/blast limit controls. If it is a new development, any addition to the existing levels should not exceed the limit.
  - If the mitigation measures outlined in section 17 of the EIAR are implemented in full, the EHS is satisfied that there will be adequate protection of public health.
  - It is not clear whether any waste water discharge will be regulated by the existing licence (an extension to existing activities) or an application for a new licence (a new development). In any case there should be no direct discharge to ground or surface water and all discharge should be as per a conditioned licence.

- The cumulative effects of the proposed development and the existing quarry should be considered regarding noise and vibration; dust; surface or ground water.

6.6.2. Both Transport Infrastructure Ireland (TII) and Geological Survey Ireland (GSI) confirmed that they have no comments to make regarding the development.

## 6.7. Further Responses

6.7.1. The HSE submission was circulated to all parties for comments in accordance with the provisions of section 131 of 'the Act'. Details of responses are outlined below.

6.7.2. The TII confirmed that it has no specific observations to make on matter.

6.7.3. A response from the Department of Environment, Climate and Communications includes correspondence from Inland Fisheries Ireland advising that any invite to join and Environmental Monitoring Committee should be forwarded to the IFI's Galway office.

6.7.4. The applicant's response can be summarised as follows:

- The company's accreditations for Health & Safety and Environmental Management ensures that the development will be compliant with all relevant standards.
- The applicant questions the validity of the HSE statement regarding the carrying out of a site inspection.
- The application was validated by MCC and clearly sets out the nature and extent of the proposed development.
- The application has predicted the likely impacts of the proposed development and considers the in-combination effect using the baseline data of the existing quarry.
- The 2019 Discharge Licence review accounts for the proposed development.
- The entire site is fenced in accordance with HSA advice on quarrying.
- Dust emissions have exceeded recommended limits on just 4 occasions over the last 10 years.
- Noise and blast monitoring has demonstrated consistent compliance with the relevant EPA Guidelines and will continue to be monitored for compliance.

- The mitigation summary (section 17 of the EIAR) will be fully complied with.
- All water will be directed to the sump and treatments works before being recycled or discharged in accordance with the discharge licence.

## **7.0 Assessment**

7.1. At the outset I wish to note the applicant's claim regarding vexatious elements to the appeal. However, I consider that the appeal raises valid planning issues and I do not consider that there are grounds to dismiss the appeal under section 138 of the Planning and Development Act 2000 (as amended).

7.2. I have inspected the site, had regard to local and national policy and guidance, and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal. Many of the issues relevant to this case relate to Environmental Impact Assessment and Appropriate Assessment, which are examined in sections 8.0 and 9.0 of this report. In addition, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Procedural Issues
- The First-Party appeal.

### **7.3. The principle of the development**

7.3.1. I note that national policy, including NPO 23 of the NPF, seeks to facilitate the development of the rural economy, including a sustainable and economically efficient extractive industry sector. The Quarries and Ancillary Activities Guidelines for Planning Authorities (April 2004) highlights the importance of quarries to the construction industry, as well as the need to work quarry aggregates where they occur and to safeguard valuable unworked deposits for future extraction. At local level, the Mayo CDP also recognises that the location of extractive industries is dictated by the availability of the resource.

7.3.2. The appellant questions the fundamental need for the proposed development and suggests that, as an alternative option, the existing permitted areas (i.e. Areas A & B) should first be exhausted. In this regard, I note that the s. 37L application for 'Area

B' sought permission to extract an estimated 6.7 million tonnes to a depth of -12m OD over a period of 50 years. In that case, the Board's Inspector raised concerns about the volume, depth and timescale of the extraction and the challenge of impact prediction. The Inspector also highlighted the difficult location and configuration of 'Area B' and the associated challenges of extracting in a safe and practical manner. In accordance with the Inspector's recommendation, the Board's decision limited the permission to a depth of 5m OD and a period of 25 years.

- 7.3.3. I acknowledge that the current application follows that decision quite quickly, and it can be concluded that, rather than the deep extraction of 'Area B' as originally proposed, the applicant now effectively proposes a shallower extraction over a larger area. However, I am satisfied that the concerns raised in the previous application largely related to the significant depth and timescale proposed, as well as the limited width and challenging configuration of 'Area B', rather than any fundamental objection to volume alone. The current application proposes a similar depth and timescale to that permitted under the s.37L application, would facilitate a more practical extraction area than that previously permitted, and does not propose to intensify existing activity. Accordingly, notwithstanding the extant permissions, I consider that the current proposal satisfactorily addresses the previous concerns, would safeguard a more workable aggregate resource, and should be evaluated on its merits.
- 7.3.4. Having regard to the planning policy and history outlined above, I consider that the current proposal to extract from the remaining unworked area of an existing quarry is consistent with local and national policy. Of course, these policies also highlight the need to ensure that the extraction of aggregate resources is carried out in a manner that minimises its impact on the environment and adjoining properties, and these matters are discussed in detail in sections 8.0 and 9.0 of this report. Accordingly, subject to the further consideration of environmental impacts, I have no objection to the principle of the proposed development.



## 7.4. Procedural Issues

### Public Notice

- 7.4.1. The appellant contends that the public notice of the development should have referred to 'the extension of an existing quarry rather than for a new quarry as described on the notice', and questions whether the requirement for a waste licence should have been included in the notices. The appeal also questions the suitability of the Site Notice location and its inspection by the planning authority.
- 7.4.2. I note the description of the development in the public notices and would point out that it neither refers to an 'extension' nor a 'new quarry' but does adequately describe the nature and extent of the proposed works. While the existing quarry does operate under a Water Discharge Licence, it should be noted that this is different to a Waste Licence and there is no requirement to indicate that fact in the public notices. I also note that the Site Location Map submitted with the application indicated the erection of two Site Notices, one at the main quarry entrance and another on the application site, which would be considered appropriate.
- 7.4.3. In terms of the alleged irregularities regarding the nature, erection and publication of the notices, I note that, despite Covid-19 workplace restrictions on site inspections, all matters were considered acceptable by the planning authority. I am satisfied that the issues raised by the appellant did not prevent adequate public participation or the concerned party from making representations. My assessment represents my *de novo* consideration of all planning issues material to the proposed development.

### Drawing / documentation detail

- 7.4.4. The appellant contends that the drawings and documentation submitted do not adequately illustrate the extent of the proposed development and its relationship with the existing quarry and other surrounding development. I note that the applicant has submitted a site layout plan showing the proposed development, the existing quarry and surrounding development. Numerous section drawings have also detailed the existing and proposed ground levels, both within the application site and on adjoining lands. Accordingly, I am satisfied that the drawings and documentation submitted are adequate to enable a comprehensive assessment of the proposed development.

### Unauthorised development

- 7.4.5. The appellant refers to the 'Quarry Zones' drawing (Figure 1.0), submitted in response to the RFI, and contends that the existing quarry floor levels are shown to be below the Substitute Consent level of 5m OD. However, I have reviewed the indicated levels for 'Area B' and they are not below the permitted level of 5m OD. Any existing levels below 5m OD relate to the original quarry area registered under section 261 (i.e. Area A), which is not governed by a 5m OD depth limit.
- 7.4.6. The appellant also refers to aerial photography and contends that the images from various times illustrate the carrying out of works on the application site, including the removal of woodland, the development of haul roads and land infill. Having reviewed the documentation submitted and inspected the site, I can confirm that none of the referenced historic aerial images accurately represent the existing condition of the site. It would appear that various minor alterations have taken place within and around the application site over the years, including alterations to haul roads, soil / vegetation removal and material deposition. However, there is no evidence of any works of significance, and certainly none relating to extraction. I would consider these works to be of a minor scale in the context of the overall quarry, and that such ancillary works would be a common and reasonable feature on land adjoining working quarry areas. Any such works would be temporary and changeable in nature and are ultimately to be removed as part of the proposed development.
- 7.4.7. I note that the application site was part of the overall quarry area registered under section 261 of the Act, and that the planning authority examined the matter as part of their assessment of the current application. There does not appear to be any history of unauthorised development or planning enforcement action associated with the site. Having regard to the above, I do not consider that there are demonstrated grounds of unauthorised development that should prevent the further consideration of the application.

### Cumulative Impacts

- 7.4.8. I note that the appellant highlights the requirements of the EIA Directive and the Habitats Directive regarding the cumulative and in-combination impacts of the proposed development and the existing quarry, including existing and proposed

mitigation measures. I consider that the applicant has adequately addressed these requirements, as is discussed in more detail in sections 8.0 and 9.0 of this report.

## **7.5. First-Party appeal**

- 7.5.1. The applicant has appealed several of the conditions included in the MCC decision to grant permission, which are now discussed in the following sections.

### Condition no. 4

- 7.5.2. This condition limits the extraction to 'stage 1 only' and a maximum depth of 'five metres above Ordnance Datum', which appears to mistakenly mirror condition no. 3 of ABP Ref. QD0009. While the stated maximum depth level of 5m OD is consistent with that proposed by the applicant, I would concur with the applicant's concern that the reference to 'stage 1 only' has potential for confusion given that the current application proposes a 'phase 1' and 'phase 2' extraction to a combined maximum depth of 5m OD. Any such reference to 'stage 1' or 'phase 1' should be omitted in the event of a grant of permission.

### Condition no. 6

- 7.5.3. This condition requires the developer to keep a record of all materials extracted and produced on the entire quarry lands. The applicant contends that this condition places a burden of the developer in relation to matters outside the application area and does not consider the conditions that are already in place for the main quarry. I note that this condition was also previously proposed by MCC as part of the section 37L application but was not ultimately included in the Board's decision.
- 7.5.4. The application does not propose to intensify existing activity on site, which appears to have been accepted by the planning authority, and the planning authority has not placed any limit on the nature and extent of materials to be extracted / produced on the site within any specified period. Furthermore, I note that condition no. 5 of the existing section 261 quarry registration already requires the maintenance of such a record. In that context, I do not see a valid purpose for this condition and, consistent with the previous decision of the Board, I do not consider it necessary in this case.

#### Condition no. 12

- 7.5.5. This condition aims to control the dust emissions arising from the proposed development and the existing quarry operations. The applicant contends that the condition relates to a sand and gravel pit, not rock extraction, and that it attempts to control matters in the existing quarry that are outside the remit of the application.
- 7.5.6. I consider that national guidance, including the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG 2004) and EPA guidance on Environmental Management in the Extractive Industry (2006), are consistent in recommending the 'Bergerhoff Method' for measuring dust nuisance. This method relates to measurement at the site boundary and, accordingly, I do not consider it necessary to place further limitations on the operations within the existing quarry, which are already controlled by the conditions of section 261 registration. I consider that, in the event of a grant of permission, dust levels can be adequately covered by appropriate reference to the established 'Bergerhoff' standard i.e. shall not exceed 350 mgs per square metres per day averaged over a continuous period of 30 days.

#### Condition 18

- 7.5.7. This condition requires the establishing of an Environmental Monitoring Committee (EMC), comprising representatives of the developer, prescribed bodies, MCC and the local community, with the aim of ensuring effective monitoring of the entire quarry area, including existing operations. The applicant outlines that the quarry has been in operation for over 70 years and that the existing conditions relating to various consents ensure that the operation is appropriately monitored.
- 7.5.8. The condition specifically refers to the monitoring of '*surface water run-off, drainage control, traffic management and road maintenance, implementation of the landscape plan and other environmental issues*'. I would submit that the existing arrangements for surface water / drainage and traffic / road maintenance are not substantially affected by the proposed development and I would agree that the existing operations are already adequately covered by the conditions of various consents. Furthermore, I consider that the monitoring requirements of the development can be adequately addressed through the conditions of any permission, including the agreement of an Environmental Management System. The planning authority and other prescribed

bodies will have appropriate powers in relation to the monitoring and enforcement of conditions and I do not consider that an EMC is necessary.

#### Condition no. 22

- 7.5.9. This condition requires a cash deposit of €203,200 to secure the satisfactory reinstatement of the site upon completion of extraction. The applicant requests clarification of this figure and the area to which it applies. The applicant also contends that the requirement for a cash deposit imposes a financial burden and that some other form of security should be allowed.
- 7.5.10. I consider that the specific requirement for a cash deposit is onerous and that a bond or other form of security should be acceptable. Furthermore, there is already a bond in place for 'Area B' via condition no. 11 of ABP Ref. QD0009, and for 'Area A' via condition no. 30 of the section 261 registration. Accordingly, the security should relate to the application site only. The MCC planner's report outlines a 'Cash Deposit Methodology' based on an estimated annual tonnage of 160,000, multiplied by a factor of 1.27. The planning authority has not responded to the Board's request for comments on this calculation and I would concur that such clarification is necessary. The matter should be subject to further agreement between the planning authority and the developer or, in default of agreement, by the Board.

#### Condition no. 23

- 7.5.11. This condition requires the annual payment of €1,600 as a contribution towards the specific exceptional costs of the provision of environmental improvements, recreational or community amenities in the locality, to be identified by Mayo County Council having consulted with the local community. The condition states that these costs are not covered by the Development Contribution Scheme, will benefit the proposed development, and will help to mitigate the effects of the development on the local community. The applicant questions whether this is a general contribution in accordance with the Mayo County Council Development Contribution Scheme.
- 7.5.12. The reason for the condition does not specifically clarify its legislative basis. However, by reference to 'specific exceptional costs', it is evident that it was applied as a 'special contribution' in accordance with section 48(2)(c) of the Planning and Development Act 2000 (as amended). The provisions of this section allow for the

application of a 'special contribution' in cases where there are 'specific exceptional costs not covered by a scheme' that will be incurred by a local authority 'in respect of public infrastructure and facilities which benefit the proposed development'. The planning authority has not responded to the Board's request for clarification.

7.5.13. In this case, I consider that the planning authority has not identified the relevant 'specific exceptional costs' in question. In fact, the wording of the condition clearly indicates that any such projects are yet to be identified and I am not satisfied that any such likely environmental improvements or recreational / community amenities would 'benefit' a quarry development. The reason for the condition refers to the mitigation of impacts on the local community and I consider that it has been applied in a somewhat compensatory manner, which is not appropriate or justified under the terms of section 48(2)(c).

7.5.14. I note that the general MCC development contribution scheme (made under section 48 of the Act) does provide for costs relating to 'Community Open Space & Recreational Facilities' to be applied to 'Industrial' developments. Although no such development contribution was applied by MCC, I consider that it should apply and that the relevant costs relating to 'Community Open Space & Recreational Facilities' should be agreed thereby or, in default of agreement, by the Board.

#### Condition no. 24

7.5.15. This condition requires the payment of €37,800 towards the maintenance, and repair of the public road due to the prolonged deterioration of the road from HGV movements. The applicant questions whether this is a general contribution in accordance with the Mayo County Council Development Contribution Scheme and the calculation basis for same. The applicant contends that the development will not have any additional impact on the road network and highlights that the road servicing the quarry complex is within County Galway.

7.5.16. The reason for this condition is stated as being 'In the interest of traffic safety', with no reference made to its legislative basis. The planning authority reports base the calculation on an unspecified road section of 7200m length and 5m width and no response was made to the Board's request for further clarification of the matter. I note that the R345 road adjoining the site entrance is within County Galway, but that there is a related traffic impact on the wider road network within County Mayo,

including sections of the R345. I also note that a MCC 'Feasibility Design Report' relating to a R345 HGV Diversion Route is included in the appeal file, which identifies no suitable diversion routes due to the substandard width and layout of the local road network.

- 7.5.17. Under condition no. 13 of the section 37L permission for 'Area B' (ABP Ref. QD0009), a special contribution was applied under the terms of section 48(2)(c) of the Act in respect of road improvement works to the R345 in the vicinity of the quarry. On the basis of that established principle and the maintenance issues raised by the planning authority, which I consider are reasonable, I consider it suitable to apply a similar condition in the event of granting permission. I would feel that any such contribution should avoid the duplication of improvement costs already covered under ABP Ref. QD0009, and that the amount should be agreed between the developer and the planning authority or, in default of agreement, by the Board.

## **8.0 Environmental Impact Assessment**

### **8.1. Introduction**

- 8.1.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR) on the basis that it exceeds the threshold set out in Part 2, 2(b) of the Fifth Schedule of the Planning and Development Regulations 2001 (as amended), that being the extraction of stone, gravel, sand or clay, where the extraction would be greater than 5 hectares. A scoping exercise was carried out with MCC and prescribed bodies, the responses to which are included in the appendices to the EIAR. The EIAR is stated to have been prepared in accordance with the 2014 EIA Directive (Directive 2014/52/EU).
- 8.1.2. This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation. In carrying out an independent assessment, I have examined the information submitted by the applicant, including the EIAR, as well as the written submissions made to the Board on appeal as set out in section 6.0 of this report. The main issues raised specific to EIA have been addressed under the relevant headings and, as appropriate, in the

reasoned conclusion and recommendation, including conditions, and can be summarised as follows:

- The cumulative impacts of the proposed development and the existing quarry
- The inter-relationship with other permissions and environmental consents
- Health and safety
- Existing and proposed mitigation measures, particularly those relating to 'Land Soils and Geology', 'Water', 'Air', and 'Noise and Vibration'
- Climate change and increased water volumes.

8.1.3. The EIAR includes various appendices relating to supporting information and previous studies, as well as a separate non-technical summary. Several procedural issues relevant to the EIA have already been addressed in my planning assessment as outlined in section 7.0 of this report. This EIA section should, where appropriate, be read in conjunction with the relevant parts of the planning assessment.

8.1.4. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR clearly sets out a description of the existing and proposed quarrying operations. Details of the scoping consultations undertaken are included (Section 2.3 and Appendix 2.1) and the application has complied with statutory public notice requirements. The competency of experts involved in producing the EIAR are set out in Section 1.5. Any data limitations or technical difficulties associated with the compilation of the EIAR are detailed in the relevant sections.

8.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts to ensure its completeness and quality; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended).

## **8.2. Consideration of alternatives**

8.2.1. Part 2 of Annex IV of the 2014 EIA Directive requires that the developer sets out a description of reasonable alternatives studied and provides an indication of the main



reasons for selecting the chosen option. Section 2.4 of the EIAR sets out the evaluation of the alternatives considered as part of the development.

8.2.2. Several alternative locations and options were considered in the assessment, which can be summarised as follows:

- Option A – The preferred option, as currently proposed, involves the extraction of the final section of the quarry lands. This benefits from the established use, baseline environment and existing infrastructure at this location.
- Option B – An application for an area outside the quarry would require the acquisition of land and would result in significant additional transportation demands associated with the existing processing and plant facilities. There would be additional traffic on public roads and a potential cumulative effect associated with quarrying in two different locations.
- Alternative processes were not considered to be warranted given that the proposal involves only the extraction and transportation of materials.
- A 'do nothing scenario' would ultimately result in a depletion of the available resource and additional impacts associated with the sourcing of material at alternative locations.
- Regarding alternative sources of aggregates, it is stated that construction and demolition waste cannot be relied on as a source of material.

8.2.3. I note that the appellant questions the need for the proposed development and I have already addressed this matter in section 7.3 of my report. The rationale for the adopted approach is based on the established industry at this location; the demand for materials; the absence of an increase in production rate; and the existing services and facilities on site. It is contended that the proposed development represents a sustainable and economic solution, which I consider to be reasonable.

### 8.3. **Consideration of risks associated with major accidents and/or disasters**

8.3.1. Article 3(2) of the 2014 EIA Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and/or disasters that are relevant to the project concerned are considered. I note that there are no Seveso sites in the vicinity of the site.

8.3.2. Where relevant, each section of the EIAR identifies the potential for accidents and unplanned events, which is particularly relevant in relation to blasting and extraction activities. The EIAR outlines the existing and proposed procedures and mitigation measures in this regard and does not identify significant residual risks. I am satisfied that this is a reasonable conclusion.

#### **8.4. Assessment of the likely significant direct and indirect effects**

8.4.1. The likely significant effects of the development are considered below under the headings used in the EIAR, which generally follows the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

#### **8.5. Population and Human Health**

8.5.1. The study area comprises the 2 Electoral Divisions of Cong, Co. Mayo, and An Fhairche, Co. Galway, which has a combined population of 1,984 persons. The village of Cong is the closest population centre, c. 1 km southeast of the application site. The remainder of the study area is generally rural in character. There are 12 dwellings within 250 metres of the site, the nearest of which is located c. 110 metres to the northeast. The area also includes a variety of enterprises, amenities and social infrastructure.

8.5.2. It is stated that the applicants are the largest single employers in the area with 50 people directly employed at the quarry and a further 50 people indirectly employed. The EIAR predicts that the ongoing development of the quarry will have a positive impact on the community in terms of employment levels and will not adversely impact on the tourism, recreation and amenity attractions of the area.

8.5.3. The loss of the existing agricultural land use is not considered to be significant and recently developed one-off housing in the vicinity is put forward as evidence that people have not been deterred from living in the area. In terms of site safety, the existing perimeter is stated to be secure and it is proposed that additional improvements to perimeter fencing and safety notices will further improve safety.

8.5.4. The EIAR identifies emissions to air (including dust, noise and vibration), emissions to water, and traffic as the main factors that could impact on human health. It is stated that the conditions of the permissions / licenses governing the existing quarry

establish suitable thresholds and that these will be implemented for the application site. These issues are discussed further in other sections of the EIAR.

- 8.5.5. Subject to compliance with mitigation and monitoring measures relating to impacts on air, noise & vibration, water, landscape and material assets, the EIAR concludes that the impact on the receiving environment will be minimised and there will be no significant residual effects on the receiving environment. I note that the HSE submission also addresses human health and confirms that the implementation of the proposed mitigation measures will ensure adequate protection of public health. The HSE is not aware of any public health complaints in relation to the quarry.
- 8.5.6. I concur that the proposed development will have an ongoing positive impact on the community with regard to employment levels, that the loss of agricultural land is not significant, and that there will be no likely significant effects on the surrounding tourism and recreational amenities.
- 8.5.7. I note that the site boundaries are supplemented by a mix of embankments, berms and wooded areas, which helps to provide a suitable buffer for the surrounding population in terms of visibility, safety, and other impacts such as noise, vibration etc. No appeals or observations have been made by local residents and, apart from the issue of site safety and security, the appeal received does not specifically raise concerns about population and human health. I consider that site safety and security concerns can be adequately addressed by boundary conditions. The wider potential impacts on population and human health associated with air, water, noise etc. are appropriately addressed in the following sections of this report.
- 8.5.8. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

## 8.6. Biodiversity

- 8.6.1. To complete an evaluation of the development, existing ecological information on the quarry was collated and evaluated, including information provided in previous applications. Site surveys were completed within the application site and adjacent areas on 15th January and 11th May 2018. The zone of influence was defined as 3km from the quarry, plus up to 15km downstream of the quarry. A separate Natura Impact Statement evaluates the impact of the development on Natura 2000 sites within the 15km catchment of the site.

### Habitats

- 8.6.2. The EIAR identifies some habitats of local importance (higher value) including 'exposed calcareous rock', 'dry calcareous & neutral grassland', 'dry meadows & grassy verges', 'Treeline/scrub', 'Oak-Ash-Hazel Woodland' and 'scrub', none of which were found to correspond to EU Annex I Habitats. It concludes that the proposed works will lead to the loss of habitat of generally moderate ecological value, which is evaluated as an irreversible and significant impact. However, this would only impact at a localised scale given the abundance of surrounding habitat.

### Flora & Fauna

- 8.6.3. The habitat in the application area is considered marginally suitable to support some important flora but the botanical surveys completed have not identified any Flora Protection Order species on the site.
- 8.6.4. Data and information on breeding and wintering birds within the wider area was collated and it was found that the application site does not support habitat suitable for species of conservation interest. Given the ubiquitous nature of the species recorded within the application area and the potential for the provision of nesting and foraging habitat, the site was evaluated as being of local importance (higher value). Although not recorded during the site surveys, the EIAR acknowledges that species previously recorded in the wider quarry area includes Kestrel, Sparrowhawk, Ringed Plover and the Annex I species, Peregrine Falcon, and contends that the presence of such species demonstrates that the effects of quarrying activities have not caused significant disturbance. Given the habitats present and the bird community of the

surrounding area, the EIAR concludes that it is not likely any Annex I or Red-listed breeding or wintering birds will be significantly affected.

- 8.6.5. Four non-volant mammal species were recorded during field surveys, including the Annex II species, Otter, within the 100m buffer zone along the Cong Canal adjacent to the application site. The man-made berms along the eastern quarry boundary help to screen this area from the quarry workings. The EIAR evaluates the site as being of local importance (higher value) in relation to mammals and the loss of habitat is not deemed to be significant given the abundance of alternative habitat available.
- 8.6.6. The EIAR relies on bat surveys from 2015 and states that, compared to surrounding linear habitats, there is limited usage of the site by foraging and commuting bat species, including the Annex II species, Lesser Horseshoe Bat. Together with the absence of available roosting habitat, the site is evaluated as being of local importance (lower value) in relation to bats. The loss of habitat is only deemed significant at a localised scale as there is an abundance of alternative breeding and foraging habitat available.
- 8.6.7. The EIAR evaluates the site as being of local importance (higher value) to amphibians and reptiles and will likely lead to a loss of habitat for the common frog, but a net gain in habitat for the Smooth Newt. Although none were recorded during field surveys, it is acknowledged that there is a potential presence of some threatened invertebrate species (Molluscs and Odonata), and that the habitat was particularly important for some species of lepidoptera (butterfly).
- 8.6.8. Overall, given the potential loss of Otter holt sites and invertebrate species of conservation importance, the EIAR concludes that the direct loss of flora and fauna is an irreversible and significant impact. However, this would only impact at a localised scale given the abundance of surrounding habitat.

#### Indirect effects

- 8.6.9. The risk of pollution to groundwater and water courses as a result of sediments and hydrocarbons is identified as a potential indirect effect, mainly relating to the discharge of water from the settlement lagoon to the Cong Canal and Lough Corrib. However, the hydrological assessment has shown this risk to be low and the water quality data does not indicate that water quality impacts have occurred. All water

discharged will be subject to monitoring and regulation and, as such, effects on biodiversity are evaluated as neutral, slight and long term.

- 8.6.10. The EIAR contends that the continued presence of breeding birds, bats and foraging animals within the site and adjoining areas indicates that noise, light, dust and vibration disturbance associated with the existing quarrying activities has not been significant and potential effects are evaluated as negative, slight and short term.

#### Cumulative effects

- 8.6.11. These were considered in the context of the Development Plan and the agricultural, forestry and fishery activities in the wider area, which are not considered to be significant. There are two other small quarries with low outputs in the area and the main cumulative impacts relate to the existing quarry. There is no evidence that existing indirect impacts relating to water, noise, vibration and dust are significant and, therefore, it is not predicted that a significant cumulative indirect impact will occur. However, the past loss of habitat associated with Area A, together with the further losses of habitat in Areas B and C, is considered to be a negative, significant and permanent impact.

#### Mitigation measures

- 8.6.12. Ongoing mitigation measures associated with the existing quarry are outlined, which includes Environmental Management Systems; the creation and enhancement of planted berms as wildlife corridors; training and awareness; and mitigation / monitoring of dust, noise and water impacts. Additional landscaped berms and a restoration plan are proposed as part of the current application. Ecological surveys of birds (including specific measures for breeding Ringed Plover and Peregrine Falcons) and mammals will continue to inform ongoing mitigation measures.

#### Conclusion

- 8.6.13. The EIAR concludes that, subject to mitigation measures, the proposed development will not have any significant residual effects relating to biodiversity. I would concur that the site habitat does not correspond to Annex I Habitat and that the impact of habitat loss, including the associated impacts for flora and fauna, would be significant only at a localised scale given the relative abundance of similar habitat in the surrounding area. The reuse of the excavated soils and overburden to form

berms around the will contribute to biodiversity, and the continued maintenance and planting of these berms with native tree and shrub species will enhance commuting routes for bats and other small animals, and provide access to foraging opportunities for several species of bats and birds. The overall quarry restoration reinstatement proposals will also address ecological concerns.

- 8.6.14. I consider that existing indirect effects from the quarry relating to water, air, noise etc. do not appear to significantly affect existing biodiversity and that these impacts can be appropriately controlled as discussed in the following sections of this report. Apart from the localised loss of habitat resulting from the existing working quarry, there is no evidence that there will be significant or unacceptable cumulative effects associated with the proposed development.
- 8.6.15. I acknowledge that the appellant has raised the issue of biodiversity through reference to the Habitats Directive. The predicted impacts in relation to designated Natura 2000 sites will be addressed in detail through Appropriate Assessment in section 9.0 of this report.
- 8.6.16. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

## **8.7. Land, Soils & Geology**

- 8.7.1. The assessment involved obtaining information from several sources including GSI geological mapping/records, the Teagasc database and studies carried out for previous consent projects within the quarry. Site visits and walkover surveys were also carried out to assess the existing quarry.
- 8.7.2. The subsoil of the site is relatively shallow with rock close to the surface in areas. Although the GSI website mapping does not show the line of contact between Cong Limestone Formation and the Cong Canal Formation to the south of the site, it was found that the paper version clarifies that the site is within the Cong Limestone

Formation, which can be described as virtually impenetrable material in its un-fractured state. Unlike the Cong Canal Formation, it is not prone to karstification.

- 8.7.3. Five bore holes were completed in 2014 to depths between 61.2 and 202 metres. All five holes showed a core recovery of 100%, showing that no cavities were intersected. There are no karst features or geological heritage features present in the application area or the existing quarry.
- 8.7.4. The EIAR acknowledges that there will be a loss of land, overburden and bedrock, which will be a significant and permanent impact. It will also have a cumulative impact with the existing quarry. However, the development will facilitate the maximisation of the resource and overburden will be reused on site for restoration and berm construction, which will mitigate the impact on the geological environment.
- 8.7.5. Existing mitigation measures will be continued to mitigate the impact in so far as is possible. These measures include controlled extraction methods and the suitable reuse / storage of overburden and unsuitable quarry material; measures to prevent pollution from fuels and other products; ongoing geotechnical testing of the quarry faces, stockpiles and lagoons for stability; aggregate testing; and testing of the geological environment. The EIAR outlines that these measures are sufficient and that the restoration of the quarry will go some way to mitigating the impact.
- 8.7.6. I concur that the loss of land, soil and bedrock is an inevitable consequence of the maximisation of the quarry resources, and that the landscaping and restoration of the area will go some way to mitigating this significant and permanent impact. I note that, under the section 37L application for 'Area B', the inspector raised concerns about the volume, depth and timescale of the proposed extraction (6.7 million tonnes to a depth of -12m OD over a period of 50 years) and the challenge of impact prediction. Consequently, the Board's decision limited the permission to a depth of 5m OD and a period of 25 years. However, I am satisfied that the concerns of the previous application related mainly to the significant depth, limited width and awkward configuration of 'Area B', rather than any geological objection. Accordingly, I have no objection in relation to the scale of the proposed extraction and I note that Geological Survey Ireland have confirmed that they have no comments to make regarding the proposed development.



8.7.7. I am satisfied that the impacts that are predicted to arise in relation to land, soils and geology are negligible having regard to the extensive geological resources in surrounding area. I have considered all the information on file, including submissions received and the information contained in the EIAR, and I note that the issue was not raised by the appellant. Having regard to the above, I am satisfied that impacts predicted to arise in relation to land, soils and geology, other than the resource removal itself, would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soils and geology.

## 8.8. **Water**

- 8.8.1. Chapter 8 of the EIAR assesses the cumulative impact of the existing quarry and the proposed development on the hydrological and hydrogeological environment. The study comprised an update of desktop studies for previous applications; a local walkover and evaluation of groundwater usage and water supplies in the area, the integration of current information and site investigations relating to bore holes and hydraulic response testing; and ongoing monitoring of water quality and levels. This information fed into the development of a Conceptual Site Model for the hydrogeological system, which was used to populate a Risk Assessment Framework.
- 8.8.2. GSI mapping shows that the site is underlain by a regionally important Karst Conduit, which has a vulnerability classified as 'X – Rock at or near the surface'. However, as previously discussed, it has been established that the bedrock geology consists of virtually impenetrable Carboniferous Limestone. Bore holes and spring discharges indicate that the bedrock is not karstified and that underground water flowing from north to south is most probably 30 – 40m below sea level.
- 8.8.3. The applicant's response to the RFI confirms that the search for wells in the vicinity is up-to-date and that the nearest well is 10.9km to the northeast, which would not be affected due to the water flows in the area and the absence of a groundwater component in the quarry area.

- 8.8.4. The conceptual model developed as part of the EIAR has established that almost all of the recharge to the site is rainfall driven. No conduits were identified in site investigations and it is predicted that little groundwater will be encountered during excavation. The discharge measurements quantify that the site's water balance accounts for 0.17% of the entire groundwater body balance and just 0.01% of the entire Regional Karst Aquifer, which further verifies that the site has effectively no groundwater component and does not impact on water features. The quality of the quarry's discharge could be described as 'high status' and the Cong Canal, which receives the discharge, has retained its WFD 'good' status since the quarry commenced its discharge. In the wider catchment, Lough Mask and Lough Corrib have also retained 'good' status.
- 8.8.5. The main predicted hydrogeological impact associated with the development relates to the potential contamination of groundwater and the subsequent risk posed to Cong Canal and Lough Corrib SAC & SPA. The activities that give rise to the potential impacts are identified as fuel pollution; excavation works and vehicle movement; surface water run-off; and increased dewatering. However, it is stated that the predicted impacts can be resolved through a suite of proposed mitigation measures and residual impacts are predicted to be neutral.
- 8.8.6. Given the extremely low measurement of hydraulic conductivity in the bedrock, drawdown (a primary porosity bedrock media concept) is not applicable to the site. Surface water and groundwater assimilation capacity simulations have been completed and indicate that the proposed development will not result in changes to concentrations. The EIAR concludes that the proposed development will have no impact on receiving waters subject to continuing existing mitigation measures.
- 8.8.7. In response to the RFI, the applicant has clarified that no interceptors or fuel storage is proposed in the application area and that there are two existing petrol interceptors within the main quarry area as well as another oil interceptor under construction on the surface water drainage system from the asphalt plant. It is stated that the efficacy of the systems and the settlement lagoon design calculations was demonstrated in the review and subsequent granting of the Discharge Licence by Galway County Council, as is supported by the information in the EIAR (including Appendix 8.1).

- 8.8.8. I note that past extraction does not appear to have resulted in any breaches of the water table or pollution of groundwater. This is supported by extensive bore hole data contained in the EIAR and the dense and impermeable nature of the underlying bedrock. Vehicles and machinery would not be refuelled or maintained in the application area and extracted rock would be transported to the existing quarry for processing. This would minimise the potential for groundwater pollution as a result of spillages and leakages and mitigation measures would be put in place to prevent and deal with accidents. There are no wells or public water abstraction points in the surrounding area that could be affected by the proposed development.
- 8.8.9. I am satisfied that surface water is the main issue relating to site and satisfactory information and proposals have been submitted to demonstrate that appropriate measures are in place collect and dispose of surface water at a quantity and quality that is in accordance with the existing Discharge Licence. The water quality data submitted indicates that surrounding water course and bodies are not being adversely affected by discharges from the quarry.
- 8.8.10. The appellant contends that increased rainfall and water levels have not been considered. Having regard to the absence of groundwater presence on the site, and the predicted underground flows of at least -30m OD relative to the proposed extraction depth of 5m OD, I am satisfied that any climate-induced effects on the water table are unlikely to affect the proposed development. With regard to surface water, I note that the 'Hydro-G' report submitted in response to the MCC further information request outlines that the average volume of water discharged from the site is less than 3,000m<sup>3</sup> per day and no additional contributions are envisaged as a result of the proposed development. The report allows for climate change factors of 5% and still confirms that the existing system is oversized by at least 50%, which I consider demonstrates more than adequate capacity given that the Discharge Licence allows 10,000m<sup>3</sup> per day.
- 8.8.11. I note that the appellant and the HSE question whether the current Discharge Licence covers the proposed development. On the question of changes to a development, it is my understanding that, under section 7 the Local Government (Water Pollution) Act 1977, as amended, a Discharge Licence may be reviewed where there has been a material change in the nature or volume of the discharge.

Importantly, I note that the circumstances relate to the 'nature or volume of the discharge', rather than the size of the development.

8.8.12. Therefore, while the application involves an extended quarry area, I believe it has been satisfactorily demonstrated that operations will not be significantly intensified or altered and that the water discharge arrangements will remain the same. I am, therefore, satisfied that there will be no material change in the nature or volume of the discharge and that adequate capacity exists under the terms of the existing licence to accommodate the proposed development. Of course, this is ultimately a matter for the licencing authority (Galway County Council) and the applicant to consider, and there are other potential grounds to justify a review of the licence. However, for the purposes of this application I am satisfied that the terms of the existing licence will adequately cover the proposed development.

8.8.13. I am satisfied that the impacts that are predicted to arise in relation to water are negligible having regard to the characteristics of the existing hydrological and hydrogeological regime. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to water would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

## **8.9. Climate**

8.9.1. Chapter 9 of the EIAR assesses the potential impacts in relation to climate / climate change and includes a desk study review of data available from Met Eireann, the EPA and other relevant sources.

8.9.2. It is acknowledged that the movement of vehicles and the operation of plant will generate exhaust emissions (e.g. CO<sup>2</sup> and N<sup>2</sup>O), which cannot be eliminated. However, energy management measures will continue to be implemented to minimise these emissions. This will have a cumulative impact with the activities of the existing quarry and the surrounding area, but it is not expected that production will intensify in the quarry and impacts will not be significant. The EIAR concludes

that, subject to mitigation measures relating to the management of energy / fuel consumption, no residual impacts are predicted.

8.9.3. The appellant contends that climate change impacts relating to increased rainfall and water levels have not been considered. As previously outlined in section 8.8 of this report, I am satisfied that any climate-induced effects have been considered.

8.9.4. I am satisfied that the impacts that are predicted to arise in relation to climate are negligible having regard to the nature and scale of the proposed development. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of climate.

#### 8.10. **Air**

8.10.1. Chapter 10 of the EIAR assesses the likely impacts on air quality and considers sensitive receptors as well as existing and proposed mitigation measures. The methodology involved undertaking a desk-based study of all relevant air quality information relating to the study area and existing environmental monitoring results for the quarry. A survey of existing housing in the area was also completed, with the closest receptor being 110m to the east of the site.

8.10.2. Dust deposition is identified as being the main potential impact on air quality. Dust emissions from blasting and drilling are generally very low and localised, and the impact is short in duration and imperceptible when managed correctly. The extraction, loading and transportation of material may also generate dust but, subject to the implementation of mitigation measures including screening, the impacts will be imperceptible. In response to the RFI, the applicant has clarified that internal transportation of the material to the processing area will be via a haul route that runs centrally within the overall quarry, which will be a minimum distance of 200 metres from the quarry boundary.

8.10.3. In terms of cumulative impacts, the EIAR acknowledges that extraction and transportation impacts also occur in the main quarry area. However, extraction from

both areas will not occur simultaneously and therefore there will be no increase in cumulative impacts. Processing activities will continue to take place in a relatively sheltered area of the main quarry, which is 375m from the nearest residence. There have been no significant impacts in the past and this is predicted to continue. The manufacturing of quarry-related materials is unlikely to lead to significant emissions as all materials are stored in bins and the asphalt plant operates in accordance with an air emission license granted by MCC. The two other quarries within 2km of the site are unlikely to result in cumulative effects due to their limited scale. The EIAR concludes that, subject to mitigation measures relating to screening, the handling and storage of materials, road conditions, and transportation arrangements, it is not anticipated that there will be an adverse impact on air quality.

- 8.10.4. I would concur that dust deposition is the main potential impact relating to air quality. In this regard I note that the results of dust monitoring over a 12-year period at 6 locations have been included in the EIAR and that the relevant limit of 350mg/m<sup>2</sup>/day was exceeded on just 7 occasions. While these exceedances have been highlighted in the HSE submission I consider that the EIAR provides a reasonable explanation of the extenuating circumstances for these cases. The HSE suggests that additional monitoring is required to address such cases of exceedance and I note that the applicant's response to the RFI has clarified the location of 6 dust monitoring locations, including 2 additional locations, which I consider adequate.
- 8.10.5. The appellant and the HSE highlight the need to address the cumulative impacts of the proposed development and the existing quarry. I consider that the application clearly and reasonably outlines that there will not be a cumulative intensification of activity and, accordingly, I am satisfied that the development will not result in a cumulative adverse impact on air quality and that suitable mitigation and monitoring arrangements will apply.
- 8.10.6. I am satisfied that the impacts predicted to arise in relation to air quality are negligible. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to air quality would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed

development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air quality.

## **8.11. Noise & Vibration**

- 8.11.1. Chapter 11 of the EIAR assesses the potential noise and vibration impacts caused by the proposed development as well as the existing working quarry and other developments in the vicinity.

### Noise

- 8.11.2. The noise monitoring results for the existing quarry operation have been reviewed with reference to the limits set out in the existing conditions of registration / permission (i.e. 55 dB (A) for daytime and 45 dB (A) for other times). Monitoring results from 2012 to 2019 show that, with the exception of a minimal number of minor exceedances, these noise limits have been complied with.
- 8.11.3. Day to day activities associated with blasting, extraction and transporting material in the application area have the potential to contribute to noise levels. These activities will be undertaken during the opening hours of the quarry and, therefore, the daytime limit of 55dB(A) is applied in the EIAR.
- 8.11.4. In response to the RFI, the applicant has submitted a Noise Impact Assessment report in accordance with EPA guidelines. The assessment predicts maximum noise levels from construction activity (overburden removal and rock extraction) at 5 noise sensitive locations, the highest of which (NSL1) is predicted as 47.7 Leq 1hr bBA. The predicted maximum levels for operational activities (loading and transporting of material, with occasional rock breaking) are again highest at NSL1, with a level of 47.2 Leq 1hr bBA. The applicant has clarified that internal transportation of the material to the processing area will be via a haul route that runs centrally within the overall quarry, which is a minimum distance of 200 metres from the quarry boundary.
- 8.11.5. A cumulative assessment was also completed for the existing and proposed quarry area. The nearest residence to the processing area in the existing quarry is 375m to the west and noise monitoring in the past has not showed any significant effects. The manufacturing plants and the transportation of materials in the existing quarry are not identified as significant sources of noise. The two other quarries within 2km of the site are unlikely to result in cumulative effects due to their limited scale. The NIA

predicts a maximum cumulative level of 47.5 Leq 1hr bBA at NSL1 and concludes that all predicted levels are within the existing noise limits and EPA guidelines. The response has also clarified the location of 4 existing noise monitoring locations surrounding the application area and proposes 2 additional locations.

- 8.11.6. Noise mitigation measures are proposed, which relate to the construction of additional berms; the maintenance and management of operational plant and activity to minimise noise; and the monitoring of compliance with noise limits at noise sensitive receptors.

#### Vibration

- 8.11.7. The vibration limits set out in existing conditions relate to 'peak particle velocity' (limits of 12 to 8 mm per second) and 'air over pressure' (125 dB (linear) maximum peak). Monitoring results from 2012 to 2019 show that 'peak particle velocity' results are generally well below the specified limits and that there have been just 2 minor exceedances of the 'air over pressure' limit.
- 8.11.8. Drilling and blasting will take place on an occasional basis by competent contractors at pre-determined times. The applicant's response to the RFI has outlined the notification procedures for blasting events and the properties concerned, which is subject to change as extraction progresses. Other mitigation measures will ensure that future blasting events will be designed and monitored to comply with the relevant vibration and air overpressure limits, and it is not predicted that there will be a significant impact on the nearest sensitive locations. The impact associated with this activity is assessed in the EIAR as being brief in duration and will have a slight effect within the quarry boundary.
- 8.11.9. The applicant's response to the RFI has clarified the location of complaints relating to blasts in the past 5 years and the results of vibration monitoring on the day of these blast events, which were within the limits set out for PPV and air overpressure. Four additional vibration monitoring locations are proposed to the north of the application site and it is highlighted that there have been only 7 complaints in response to 120 blasting events over the last years.



## Conclusion

8.11.10. I consider that the monitoring results submitted demonstrate satisfactorily that, apart from a minimal number of cases, noise and vibration emissions associated with the existing quarry are consistently below the established limit values. The appellant and the HSE highlight the need to address the cumulative impacts of the proposed development and the existing quarry. In this regard, the predicted noise impacts, both alone and cumulatively, have been adequately assessed and are predicted to be controlled within the established limits. Impacts associated with blasting are also predicted to be within the established limits and I am satisfied that cumulative blasting impacts will not be significant given the infrequency of occurrence and their limited duration. I note that additional noise and blasting monitoring is proposed and this is considered appropriate.

8.11.11. I am satisfied that the impacts that are predicted to arise in relation to noise and vibration are acceptable having regard to the nature and scale of the existing and proposed development. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to noise and vibration would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

## **8.12. Traffic**

8.12.1. Chapter 12 of the EIAR assesses the traffic volumes associated with the development and the impact on the surrounding road network. A desktop assessment and site visit (31st May 2019) were completed to identify site-specific characteristics and sensitive receptors. A traffic count survey was also carried out on 30<sup>th</sup> April 2019 and was compared to a survey carried out on 4<sup>th</sup> March 2015 as part of the Traffic Impact Assessment (TIA) by Tobin Consulting Engineers Ltd. for the previous section 37L application to the Board. It was determined that the traffic figures of the 2015 TIA are comparable to the current situation and, accordingly, the 2015 TIA was used in the EIAR.

- 8.12.2. The adjoining Regional Road (R345) is estimated to have a carrying capacity of 5,000 AADT and the entrance is within the 60km/h speed limit. The TIA predicts that the quarry access will operate significantly below the maximum desirable Ratio of Flow to Capacity Value (RFC) of 0.85 and the maximum queue length at the access is 1 vehicle. It also states that the R345 link capacity will operate with a large spare capacity of 63.7% during the assessment year of 2035.
- 8.12.3. According to the Road Safety Authority statistics, there have been no collisions recorded on the R345 within 1km of the site and any that have occurred within the wider Cong to Clonbur route did not involve an HGV. As well as road collisions, a risk assessment has been carried out for other unplanned events, such as weather-related conditions, and controls and responsibilities have been identified.
- 8.12.4. The EIAR identifies existing and proposed mitigation measures including parking provision, traffic-related layout design and signage etc., and concludes that the proposed development will not have a significant impact on the existing access and the wider road network.
- 8.12.5. I consider that the application clearly outlines the existing traffic conditions at the site and reasonably predicts that the impact of the proposed development and wider traffic growth will not result in a cumulative adverse impact on traffic. I note that Transport Infrastructure Ireland have confirmed that they have no comments to make regarding the proposed development.
- 8.12.6. I am satisfied that the impacts that are predicted to arise in relation to traffic are acceptable having regard to the nature and scale of the proposed development. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to traffic would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of traffic.

## **8.13. Landscaping & Restoration**

- 8.13.1. The landscaping assessment in Chapter 13 of the EIAR involved undertaking a visual impact assessment of the area based on field observations from public

viewpoints, as well as a desktop study gathering information from sources such as Ordnance Survey mapping, aerial photography and the CDP.

- 8.13.2. In accordance with the Mayo Landscape Appraisal contained in the CDP, the site is within Area M (Lakeland Drumlins), which is described as an area of low-lying drumlins and wetland associated with Lough Mask, Carra and Corrib. It is within Policy Area 4A (Lakeland Sub Area), which is described as a distinctive area that often bounds steep slopes and prominent ridge lines with limited shelter vegetation to the west and undulating areas of pasture, woodland and forest with underlying glacial drumlins to the east. The CDP designates the R345 road as a Scenic Route between the villages of Cong and Clonbur but no 'scenic views' are identified for protection in the vicinity of the site.
- 8.13.3. A visual assessment of the quarry was taken from 13 viewpoints chosen to illustrate typical views towards the existing development. The field survey concludes that the application area and the existing development is well screened from the majority of viewpoints due to existing berms, vegetation and other features.
- 8.13.4. The impact of the proposed extraction on the landscape, which is rated as being of medium value, will be of a medium magnitude and therefore is evaluated as only moderate significance. Taken cumulatively with the existing quarry however, the overall magnitude is assessed as high and the significance is moderate/substantial.
- 8.13.5. When quarrying activity has ceased, the decommissioning phase will see the removal of all plant, equipment, stockpiles and structures. In addition to existing berm screening and landscaping, the application area will be restored in accordance with the landscape and restoration plan for the entire quarry area including a new quarry lake. The aim of the restoration plan is to restore the ecological balance of the site and the visual impact (post restoration) is evaluated as minor.
- 8.13.6. I consider that the loss of land and vegetation is an inevitable consequence of the maximisation of the quarry resources. Having reviewed the visual assessment contained within the EIAR, I consider that a more comprehensive visual representation of predicted impacts would have been helpful. However, having inspected the site, I am satisfied that visual impacts will be localised and not particularly sensitive. The proposed development would not seriously detract from

the visual amenity of the area and the ongoing landscaping and final restoration of the area will adequately mitigate any impacts.

8.13.7. I am satisfied that the impacts that are predicted to arise in relation to landscape are acceptable having regard to the established character of the quarry site and the surrounding area. I have considered all the information on file, including submissions received and the information contained in the EIAR, and I note that the issue was not raised by the appellant. Having regard to the above, I am satisfied that impacts predicted to arise in relation to landscape would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape.

#### **8.14. Material Assets**

8.14.1. Chapter 14 of the EIAR identifies the material assets in proximity to the site including residential buildings; geological resources; land; roads and traffic; public utilities and access; scenic routes; tourism; and waste management. There is significant crossover in the assessment of these issues and other sections of the EIAR.

8.14.2. The application will result in the loss of agricultural land, but this is not considered significant given the abundance of agricultural land in the vicinity of the site. It is acknowledged that the loss of a geological resource cannot be replaced but that the material is needed to supply local, national and international markets, thereby contributing to the economy. Landscaping and restoration will reduce the impacts associated with the extraction activity.

8.14.3. I am satisfied that the impacts that are predicted to arise in relation to material assets are acceptable and have been adequately addressed throughout various sections of the EIAR. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to material assets would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

## **8.15. Cultural Heritage**

- 8.15.1. Chapter 15 of the EIAR outlines that the study involved a detailed investigation of the known or potential cultural heritage, including the archaeological, architectural, and historical background of the site and the surrounding area to a distance of 1km. A field assessment was completed to identify and assess any known archaeological features and previously unrecorded features, possible finds and structures.
- 8.15.2. The Record of Monuments and Places and the Sites and Monuments Record was examined and there no monuments within the application area. The closest are c.400m from the site and are considered too far distanced to be directly or indirectly impacted. Other cartographic and photographic sources, including previous excavations in the area, have also been examined and have not identified any additional material of relevance.
- 8.15.3. A review of the Mayo and Galway CDPs has found that there are no Protected Structures on the site. The closest Protected Structure is part of the Cong Canal in Co. Galway, located c. 770m southeast of the site, which is considered too far distanced to be directly or indirectly impacted. The remaining part of the Cong Canal in Co. Mayo is not a Protected Structure. The NIAH lists 17 additional structures in the study area, the closest of which is located c.375m from the site and is considered too far distanced to be directly or indirectly impacted.
- 8.15.4. The field inspection of all lands within the application area did not find any evidence of cultural heritage material. Due to the possibility of the survival of sub-surface archaeological deposits or deposits, the EIAR proposes that topsoil stripping will be archaeologically monitored. However, I note that the response to the RFI included an archaeological assessment and pre-development evaluation of 32 test trenches. The assessment concluded that no evidence of archaeological heritage is envisaged, and no further investigation or mitigation measures are required.
- 8.15.5. I am satisfied that the impacts that are predicted to arise in relation to cultural heritage are negligible. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts predicted to arise in relation to cultural heritage would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the

proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of cultural heritage.

#### **8.16. Interactions**

8.16.1. Chapter 16 of the EIAR addresses the cumulative impacts, indirect impacts and main interactions between different aspects of the environment that may be impacted as a result of the development. The potential interactions are set out in Table 16.1 of the EIAR. Population and human health have the potential for interaction with almost all other factors (water, climate, air, noise & vibration, traffic, landscape, material assets and cultural heritage). Biodiversity could potentially interact with land, soils and geology; water; air; noise & vibration; and landscape. Land, soils and geology could potentially interact with water, air, landscape and material assets. The EIAR highlights the existing and proposed mitigation and monitoring measures, as well as the control of water discharge and air emissions under separate licences.

8.16.2. I am satisfied that the predicted interactions have been adequately identified and that potential impacts have been satisfactorily addressed and mitigated in relevant sections throughout the EIAR. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, I am satisfied that impacts relating to interactions would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative interactions.

#### **8.17. Mitigation and Monitoring Summary**

8.17.1. Chapter 17 of the EIAR collectively presents all of the mitigation measures proposed to avoid, reduce or remedy the potential impacts identified, as well as the proposed monitoring measures to ensure that mitigation is effective.

#### **8.18. Reasoned Conclusion**

8.18.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, the reports from the planning authority and submissions by prescribed bodies and

the appellant in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Direct and cumulative loss of habitat, flora and fauna, which will be mitigated by the retention and planting of overburden on site and the ultimate restoration of the quarry.
- Indirect and cumulative effects on habitat, flora and fauna relating to noise, water, dust and air, which will be mitigated by ongoing measures including an Environmental Management System and ongoing monitoring.
- Direct and cumulative loss of geological resources, which will be mitigated by controlled extraction methods to avoid any further damage to the geological environment, as well as the ongoing and final restoration of the quarry.
- Direct and cumulative noise, vibration and dust impacts associated with blasting and other quarrying activities, which will be mitigated by operational methods and the ongoing monitoring of effects.
- Direct and cumulative impacts on the landscape as a result of the loss of land and vegetation, which will be mitigated by ongoing landscaping and the final restoration of the quarry.

8.18.2. Having regard to the above, I am satisfied that the likely significant environmental effects arising from the proposed development have been identified, described and assessed, and I consider that the proposed development would not have any unacceptable, direct, indirect or cumulative effects on the environment.

## **9.0 Appropriate Assessment**

### **9.1. Introduction**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment

- The Natura Impact Statement and associated documents
- Appropriate Assessment of implications of the proposed development on the integrity of each European site.

## 9.2. **Compliance with Article 6(3) of the Habitats Directive**

- 9.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 9.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

## 9.3. **Screening the need for Appropriate Assessment**

### Background

- 9.3.1. The applicant has submitted a Natura Impact Statement (NIS), including a Screening Report for Appropriate Assessment, as part of the planning application. It has been prepared by Sarah Ingham MSc. BSc. ACIEEM, of Ingham Ecology.
- 9.3.2. The AA Screening Report was prepared in line with current best practice guidance and provides a brief description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. It concludes that potentially significant indirect effects resulting in a reduction in water quality, noise pollution/disturbance, damage/loss/fragmentation of foraging/commuting habitat and fugitive dust emissions, remain for the following sites:
- Lough Carra/Mask SAC (Site Code: 001774)
  - Lough Corrib SAC (Site Code: 000297)



- Lough Corrib SPA (Site Code: 004042)
- Ballymaglancy Cave Cong SAC (Site Code: 000474)
- Kildun Souterrain SAC (Site Code: 002320)

9.3.3. Having reviewed the documents and submissions on file, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### Screening for Appropriate Assessment – Test of likely significant effects

9.3.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### Brief description of the development

9.3.5. A detailed description of the development is set out in Chapter 4 of the EIAR. In summary, the proposed development, taken in conjunction with the existing quarry, comprises the following:

- Removal of overburden and extraction of bedrock from an 8.4-hectare site adjacent to the existing working quarry. Extraction is proposed over a 25-year period to a maximum depth of 5 metres above Ordnance Datum.
- Use of overburden to provide planted screening berms.
- Use of blasting, rock-breaking and an excavator to remove stone.
- Transportation of excavated material to the main quarry for processing, manufacturing and delivery.
- Diversion of surface water through the existing quarry system before discharge from a settlement lagoon via a culvert to the Cong Canal in accordance with a Discharge Licence granted by Galway County Council.
- Reinstatement of the quarry area upon completion of works.

9.3.6. The application site is described as an unworked greenfield area comprising a mosaic of habitats. It identifies some habitats of interest including 'exposed

calcareous rock', 'dry calcareous & neutral grassland', 'dry meadows & grassy verges', 'Treeline/scrub', 'Oak-Ash-Hazel Woodland' and 'scrub', none of which were found to correspond to EU Annex I Habitats.

9.3.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Water Quality: Potential contamination of surface waters and groundwater.
- Noise / Disturbance: Quarrying activities, particularly blasting and excavation, may cause additional disturbance to protected species.
- Habitat damage/loss/fragmentation: Quarrying activities may affect the foraging and commuting habitat of protected species.
- Dust: Deposition on habitats may affect the foraging and commuting habitat of protected species.

#### Submissions and Observations

9.3.8. The third-party appeal highlights the requirements of the Habitats Directive relating to the need to consider the in-combination effects of the proposed development and the existing quarry. It also contends that there is inadequate construction detail for internal haul routes and that, as an authorised development which requires Appropriate Assessment, the application should be invalidated.

9.3.9. While submissions were received from the Health Service Executive, Transport Infrastructure Ireland and Geological Survey Ireland, they have not raised any issues in relation to Appropriate Assessment.

#### European Sites

9.3.10. The development site is not located in or immediately adjacent to a European site. The applicant's scoping exercise considered all European Sites within a 15km radius, from which the AA Screening report defines a zone of influence comprising a radius of 3km from the application site, plus a distance of 15km downstream of the site to account for hydrological links. A summary of European Sites that occur within the screening zone of influence is presented in the table below.

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance	Connections (source, pathway, receptor)
Lough Carra/Mask Complex SAC (001774)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>European dry heaths [4030]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>	1.4 km west of application area	<p>No spatial overlap or direct links.</p> <p>Potential hydrological link.</p> <p>Otter using Lough Mask are likely to move between this site and Corrib along the Cong Canal which lies adjacent to the application area.</p> <p>Lesser Horseshoe Bat foraging habitat on the boundary of application site.</p> <p>Further AA Screening required.</p>
Lough Corrib SAC (000297)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p>	1.7 km south of application area	<p>No spatial overlap or direct links.</p> <p>Potential hydrological link.</p> <p>Potential water quality impacts affecting Annex II species (Salmon, Lamprey, crayfish).</p> <p>Otter using Lough Corrib are likely to move between this site and Mask along the Cong Canal which lies adjacent to the application area.</p>

	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>		<p>Lesser Horseshoe Bat foraging habitat on the boundary of application site.</p> <p>Further AA Screening required.</p>
<p>Lough Corrib SPA (004042)</p>	<p>Gadwall (Anas strepera) [A051]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Pochard (Aythya ferina) [A059]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p>	<p>1.7km to south of application site</p>	<p>No spatial overlap. No direct impacts on habitats.</p>

	Common Scoter ( <i>Melanitta nigra</i> ) [A065] Hen Harrier ( <i>Circus cyaneus</i> ) [A082] Coot ( <i>Fulica atra</i> ) [A125] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395] Wetland and Waterbirds [A999]		Potential noise disturbance to wintering and breeding birds.  Further screening required.
Lough Mask SPA (004062)	Tufted Duck ( <i>Aythya fuligula</i> ) [A061] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] Common Tern ( <i>Sterna hirundo</i> ) [A193] Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395] Wetland and Waterbirds [A999]	2.3km to the north of application site.	No spatial overlap. No direct impacts on habitats.  Potential noise disturbance to wintering and breeding birds.  Further screening required.
Ballymaclancy Cave SAC (000474)	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	2.9km southwest of application site.	No spatial overlap. No direct impacts on habitats.  Potential disturbance to foraging habitat used by Lesser Horseshoe bats as the application area is within the 6km foraging range of this roost.  Further screening required.

Kildun Souterrain SAC (002320)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	3.7km east of application site.	No spatial overlap. No direct impacts on habitats.  Potential disturbance to foraging habitat used by Lesser Horseshoe bats as the application area is within the 6km foraging range of this roost.  Further screening required.
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### Identification of likely effects

9.3.11. Section 5.5 of the applicant's AA Screening assesses the potential effects of the identified risks to European Sites, which can be summarised as follows:

- Lough Carra/Mask SAC is upstream of the site and as such, there are no pathways for potential effects on habitats of qualifying interest.
- Lough Corrib SAC is downstream and there is potential for effects on 'Oligotrophic Waters containing very few minerals', Hard Water Lakes' and 'Floating River Vegetation'.
- A deterioration in water quality has the potential for a multitude of indirect effects such as the foraging capacity of Salmon in Lough Corrib, as well as a reduction in the fish-stock foraging resource of Otter and Annex I bird species.
- Lough Corrib SPA and Lough Mask SPA are situated c. 2km from the site and noise / vibration impacts are minimised to avoid disturbance. No significant noise / vibration effects are envisaged for Annex I Bird Species.
- Noise and vibration have the potential for significant disturbance effects on commuting and foraging grounds of Lesser Horseshoe Bats and Otter.
- The damage/loss/fragmentation of habitats also has the potential to cause significant effects to commuting routes and foraging grounds of Lesser Horseshoe Bats, for which 4 of the identified SAC's are designated.
- Dust deposition on foraging habitats used by Lesser Horseshoe Bats has the potential for indirect effects on commuting between the 4 identified SAC's.

9.3.12. The applicant's AA Screening outlines that a search of planned / consented developments has been completed and there are no such developments that could result in cumulative effects on the conservation interests of European Sites. It confirms the potential for cumulative effects as a result of existing land use and built projects within the immediate environment and states that these will be evaluated within the Stage 2 NIS. I note the comments of the appellant regarding the need to consider the in-combination effects on the existing quarry and I am satisfied that this can be addressed within the Stage 2 NIS.

9.3.13. Having regard to the above, I would concur with the applicant's AA Screening conclusion that potentially significant indirect effects, as a result of a reduction in water quality, noise pollution/disturbance, damage/loss/fragmentation of foraging/commuting habitat and fugitive dust emissions, remain for the following sites:

- Lough Carra/Mask SAC (Site Code: 001774)
- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Ballymaglancy Cave Cong SAC (Site Code: 000474)
- Kildun Souterrain SAC (Site Code: 002320)

#### Mitigation Measures

9.3.14. The applicant's initial scoping exercise identified 14 European Sites within a 15km radius of the application site. Following consideration of the scale, location and nature of the proposed development, as well as the characteristics of the designated sites, 6 sites were included for further AA Screening. The potential for significant effects on one of those 6 sites (Lough Mask SPA) was subsequently discounted, leaving 5 European Sites with potential for significant effects. I am satisfied that no measures designed or intended to avoid or reduce any harmful effects of the project on European Sites have been relied upon in this screening exercise.

#### Screening Determination

9.3.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the

project individually, or in combination with other plans or projects, could have a significant effect on 5 European Sites in view of the Conservation Objectives of those sites, and Appropriate Assessment, including the submission of an NIS, is therefore required for the following sites:

- Lough Carra/Mask SAC (Site Code: 001774)
- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Ballymaglancy Cave Cong SAC (Site Code: 000474)
- Kildun Souterrain SAC (Site Code: 002320)

9.3.16. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Lough Mask SPA (Site Code: 004062)
- Clyard Kettle-Holes SAC (Site Code: 000480)
- Mocarha Lough SAC (Site Code: 001536)
- Cloughmoyne SAC (Site Code: 000479)
- Shrute Turlough SAC (Site Code: 000525)
- Lough Carra SPA (Site Code: 004051)
- Skealoghan Turlough SAC (Site Code: 000541)
- Ardkill Turlough SAC (Site Code: 000461)
- Kilglassan / Cahevavoostia Turlough Complex SAC (Site Code: 000504)

#### **9.4. The Natura Impact Statement and associated documents**

9.4.1. The application included a NIS (entitled 'Cong Quarry, 2019') which examines the potential effects of the proposed development on the integrity of the following European Sites:

- Lough Carra/Mask SAC (Site Code: 001774)
- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Ballymaglancy Cave Cong SAC (Site Code: 000474)
- Kildun Souterrain SAC (Site Code: 002320)



- 9.4.2. A review of the Remedial EIS and Remedial NIS prepared as part of the Substitute Consent application in 2015 was undertaken and became the source of the most recent baseline desktop data. Databases held by National Parks and Wildlife Service, the National Biodiversity Data Centre, the Environmental Protection Agency, and the Geological Survey of Ireland were also reviewed. Two field surveys of habitats, mammals and birds were conducted between January and May of 2018, which focussed on the application site and, where relevant, the existing quarry.
- 9.4.3. The NIS includes details of a Bat Survey carried out in 2015, which is stated to be sufficient given the absence of significant changes in the intervening period. It also includes Botanical Survey Data and the 'Water' chapter of the EIAR (with accompanying Hydrogeological Report completed by 'Hydro G' in 2006).
- 9.4.4. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of the existing quarry and other plans and projects. It concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the qualifying interests or conservation objectives of the Natura 2000 site under consideration with regard to the densities, range or conservation status of the habitats and species for which these sites are designated.
- 9.4.5. Having reviewed the documents and submissions included in the appeal file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development alone, or in combination with other plans and projects, on the conservation objectives of the relevant European Sites.

9.5. **Appropriate Assessment of implications of the proposed development on the integrity of each European Site**

- 9.5.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest/special conservation interest features of the European Sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures are considered and assessed. The following sites are subject to Appropriate Assessment:

- Lough Carra/Mask SAC (Site Code: 001774)
- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Ballymaglancy Cave Cong SAC (Site Code: 000474)
- Kildun Souterrain SAC (Site Code: 002320)

9.5.2. A description of the sites and their Qualifying Interests / Special Conservation Interests is set out in section 4.4 of the NIS and is summarised in the following sections of my report as part of my assessment. I have also examined the Natura 2000 data forms, as relevant, and the Conservation Objectives supporting documents for these sites available through the NPWS website.

9.5.3. The main aspects of the proposed development that could adversely affect the conservation objectives of the site include:

- Water Quality: Potential contamination of surface waters and groundwater.
- Noise / Disturbance: Quarrying activities, particularly blasting and excavation, may cause additional disturbance to protected species.
- Habitat damage/loss/fragmentation: Quarrying activities may affect the foraging and commuting habitat of protected species.
- Dust: Deposition on habitats may affect the foraging and commuting habitat of protected species.

#### Lough Carra/Mask Complex SAC (Site Code: 001774)

9.5.4. This site is located c. 1.4km to the west of the application area and, having regard to the separation distance involved, there will no direct impacts. Details of the Qualifying Interests have been outlined in section 9.3.10 of this report. The Conservation Objective for the site is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

9.5.5. While this European Site contains the Annex I habitats 'Oligotrophic waters containing very few minerals' and 'Hard Water Lakes', the Lough Carra / Mask complex is upstream of the application site and is therefore outside the potential zone of influence for potential hydrological pollution impacts.

- 9.5.6. With regard to Annex II species, the application site does not contain suitable habitat for roosting Lesser Horseshoe Bat. While the potential loss of foraging/commuting habitat may be considered significant ecological fragmentation at a localised level, it would not be significant at a greater landscape level due to the abundance of habitat available. In terms of indirect effects, I note that no nocturnal lighting is proposed. Bat populations closer to the quarry (at Nymphsfield and Creggaree) do not appear to be disturbed by quarrying activity, including blasting. Additional dust deposition has the potential to impact on foraging habitat and activity.
- 9.5.7. There is evidence that Otter are using the buffer zone between the application site and the Cong Canal. Potential indirect impacts relate to changes in water quality and reduced food supply, as well as noise and visual disturbance during quarrying activities. The results of ongoing water monitoring indicate no change in quality and, subject to ongoing mitigation measures, there is no evidence to suggest impacts on the Otter population. In the absence of mitigation, disturbance of Otter due to noise has the potential to be significant.
- 9.5.8. The following mitigation measures are proposed:
- Regular dust monitoring shall ensure compliance with the recommended guidelines of 350mg/m<sup>2</sup> per day.
  - Operational practice relating to the loading, movement, storage and dampening of material will minimise dust emissions.
  - The ongoing water quality mitigation and monitoring programme will be implemented in accordance with the terms of the Water Discharge Licence.
  - Ongoing noise mitigation and monitoring measures will be implemented.
  - Additional planting of the existing perimeter berms will reduce disturbance impacts and, together with the final quarry restoration, will provide improved commuting and foraging habitat.
- 9.5.9. In-combination effects with other plans and projects, including the existing quarry, are considered in section 7 of the NIS. Of most significance with regard to the existing quarry is the historic loss of limestone pavement scrub mosaic habitat. There is no evidence of significant impacts from the entire quarry area, relating to dust, vibration, noise and water pollution. While other plans seek to control the effects of activities in the wider area, it is stated that the combined effects of these

activities are likely to have significant effects. However, the activities of the quarry are not considered to have adverse effects on Natura 2000 sites and, as such, will combine with these other activities to result in significant cumulative effects.

- 9.5.10. In conclusion, following an examination, analysis and evaluation of the potential impacts of the proposed development, the NIS concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the qualifying interests or conservation objectives of Lough Carra/Mask SAC. I note that mitigation measures have been designed to prevent any adverse impact on water quality, foraging habitats and the noise environment, which I have assessed and consider reasonable. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Lough Carra/Mask Complex SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Lough Corrib SAC (Site Code: 000297)

- 9.5.11. This site is located c. 1.7km to the south of the application area and, having regard to the separation distance involved, there will no direct impacts. Details of the Qualifying Interests have been outlined in section 9.3.10 of this report. The Conservation Objectives for the site are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- 9.5.12. The site contains the Annex I habitats 'Oligotrophic waters containing very few minerals' and 'Hard Water Lakes', while 'Floating River Vegetation' may be present downstream of the quarry. Extensive hydrological studies and testing has established that the site is not karstic and there are no groundwater paths to Lough Corrib. Surface water is discharged to the Cong Canal, which links to Lough Corrib during winter months. However, water monitoring data since 2002 indicates that the discharge is of a high quality and, subject to compliance with existing mitigation and monitoring measures, it is not predicted that there will be a significant hydrological impact on the habitats of Lough Corrib SAC.

9.5.13. With regard to Annex II species, the potential impacts in relation to the Lesser Horseshoe Bat and Otter are in accordance with section 9.5.6 and 9.5.7 of this report. Within the zone of influence, Lough Corrib SAC also contains 'Atlantic Salmon'. However, effects are considered unlikely given that there is no predicted deterioration in water quality.

9.5.14. The following mitigation measures are proposed:

- Regular dust monitoring shall ensure compliance with the recommended guidelines of 350mg/m<sup>2</sup> per day.
- Operational practice relating to the loading, movement, storage and dampening of material will minimise dust emissions.
- The ongoing water quality mitigation and monitoring programme will be implemented in accordance with the terms of the Water Discharge Licence.
- Ongoing noise mitigation and monitoring measures will be implemented.
- Additional planting of the existing perimeter berms will reduce disturbance impacts and, together with the final quarry restoration, will provide improved commuting and foraging habitat.

9.5.15. In-combination effects with other plans and projects, including the existing quarry, are considered in section 7 of the NIS. Of most significance with regard to the existing quarry is the historic loss of limestone pavement scrub mosaic habitat. There is no evidence of significant impacts from the entire quarry area, relating to dust, vibration, noise and water pollution. While other plans seek to control the effects of activities in the wider area, it is stated that the combined effects of these activities are likely to have significant effects. However, the activities of the quarry are not considered to have adverse effects on Natura 2000 sites and, as such, will not combine with these other activities to result in significant cumulative effects.

9.5.16. In conclusion, following an examination, analysis and evaluation of the potential impacts of the proposed development, the NIS concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the qualifying interests or conservation objectives of Lough Corrib SAC. Mitigation measures have been designed to prevent any adverse impact on water quality, foraging habitats and the noise environment, which I have assessed and consider reasonable. Having regard to the information in the NIS and

considering the mitigation measures, I conclude that the proposed development would not adversely affect the integrity of the Lough Corrib SAC in view of the Conservation Objectives of this site, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### Lough Corrib SPA

- 9.5.17. This site is located c. 1.7km to the south of the application area and, having regard to the separation distance involved, there will no direct impacts. Details of the Qualifying Interests have been outlined in section 9.3.10 of this report. The Conservation Objectives for the site are to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA, as well as the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it.
- 9.5.18. A deterioration in water quality has the potential to have an indirect effect on the feeding resource available to birds downstream of the quarry in Lough Corrib SPA. However, water monitoring data since 2002 indicates that the discharge is of a high quality and, subject to compliance with existing mitigation and monitoring measures, it is not predicted that there will be a significant impact on the wetland habitat and bird species of Lough Corrib SPA. The quarry is sufficiently distanced from the SPA to ensure that the mitigated activities will not have significant disturbance effects.
- 9.5.19. The following mitigation measures are proposed:
- The ongoing water quality mitigation and monitoring programme will be implemented in accordance with the terms of the Water Discharge Licence.
  - Ongoing noise mitigation and monitoring measures will be implemented.
- 9.5.20. In-combination effects with other plans and projects, including the existing quarry, are considered in section 7 of the NIS. There is no evidence of significant impacts from the entire quarry area, relating to vibration, noise and water pollution. While other plans seek to control the effects of activities in the wider area, it is stated that the combined effects of these activities are likely to have significant effects. However, the activities of the quarry are not considered to have adverse effects on Natura 2000 sites and, as such, will not act in combination with these other activities to result in significant cumulative effects.

9.5.21. In conclusion, following an examination, analysis and evaluation of the potential impacts of the proposed development, the NIS concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the special conservation interests or conservation objectives of Lough Corrib SPA. I note that mitigation measures have been designed to prevent any adverse impact on water quality and the noise environment, which I have assessed and consider reasonable. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Lough Corrib SPA in view of the Conservation Objectives of this site, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Ballymaglancy Cave Cong SAC (Site Code: 000474)

9.5.22. This site is located c. 2.9km to the southwest of the application area and, having regard to the separation distance involved, there will no direct impacts. Details of the Qualifying Interests have been outlined in section 9.3.10 of this report. The Conservation Objective for the site is to restore the favourable conservation condition of the Lesser Horseshoe Bat in the SAC. The caves are integrally linked as part of the habitat for the species and, accordingly, a separate objective has not been set for the habitat. I note that the objective aims to prevent a significant decline of foraging habitat or linear features within 2.5km of the qualifying roost.

9.5.23. The application site does not contain suitable habitat for roosting Lesser Horseshoe Bat. While the potential loss of foraging/commuting habitat may be considered significant ecological fragmentation at a localised level, it would not be significant at a greater landscape level due to the abundance of habitat available. In terms of indirect effects, I note that no nocturnal lighting is proposed. Bat populations closer to the quarry (at Nymphsfield and Creggaree) do not appear to be disturbed by quarrying activity, including blasting. Additional dust deposition has the potential to impact on foraging habitat and activity.

9.5.24. The following mitigation measures are proposed:

- Regular dust monitoring shall ensure compliance with the recommended guidelines of 350mg/m<sup>2</sup> per day.

- Operational practice relating to the loading, movement, storage and dampening of material will minimise dust emissions.
- Ongoing noise mitigation and monitoring measures will be implemented.
- Additional planting of the existing perimeter berms and the restoration of the quarry will provide improved commuting and foraging habitat.

9.5.25. In-combination effects with other plans and projects, including the existing quarry, are considered in section 7 of the NIS. Of most significance with regard to the existing quarry is the historic loss of limestone pavement scrub mosaic habitat. There is no evidence of significant impacts from the entire quarry area, relating to dust, vibration, noise and water pollution. While other plans seek to control the effects of activities in the wider area, it is stated that the combined effects of these activities are likely to have significant effects. However, the activities of the quarry are not considered to have adverse effects on Natura 2000 sites and, as such, will not combine with these other activities to result in significant cumulative effects.

9.5.26. In conclusion, following an examination, analysis and evaluation of the potential impacts of the proposed development, the NIS concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the qualifying interests or conservation objectives of Ballymaclancy Cave SAC. I note that mitigation measures have been designed to prevent any adverse impact on foraging habitats and the noise environment, which I have assessed and consider reasonable. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Ballymaclancy Cave SAC in view of its Conservation Objectives, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### Kildun Souterrain SAC (Site Code: 002320)

9.5.27. This site is located c. 3.7km to the east of the application area and, having regard to the separation distance involved, there will no direct impacts. Details of the Qualifying Interests have been outlined in section 9.3.10 of this report. The Conservation Objective for the site is to restore the favourable conservation condition of the Lesser Horseshoe Bat in the SAC. I note that the objective aims to



prevent a significant decline of foraging habitat or linear features within 2.5km of the qualifying roost.

9.5.28. The application site does not contain suitable habitat for roosting Lesser Horseshoe Bat. While the potential loss of foraging/commuting habitat may be considered significant ecological fragmentation at a localised level, it would not be significant at a greater landscape level due to the abundance of habitat available. In terms of indirect effects, I note that no nocturnal lighting is proposed. Bat populations closer to the quarry (at Nymphsfield and Creggaree) do not appear to be disturbed by quarrying activity, including blasting. Additional dust deposition has the potential to impact on foraging habitat and activity.

9.5.29. The following mitigation measures are proposed:

- Regular dust monitoring shall ensure compliance with the recommended guidelines of 350mg/m<sup>2</sup> per day.
- Operational practice relating to the loading, movement, storage and dampening of material will minimise dust emissions.
- Ongoing noise mitigation and monitoring measures will be implemented.
- Additional planting of the existing perimeter berms and the restoration of the quarry will provide improved commuting and foraging habitat.

9.5.30. In-combination effects with other plans and projects, including the existing quarry, are considered in section 7 of the NIS. Of most significance with regard to the existing quarry is the historic loss of limestone pavement scrub mosaic habitat. There is no evidence of significant impacts from the entire quarry area, relating to dust, vibration, noise and water pollution. While other plans seek to control the effects of activities in the wider area, it is stated that the combined effects of these activities are likely to have significant effects. However, the activities of the quarry are not considered to have adverse effects on Natura 2000 sites and, as such, will not combine with these other activities to result in significant cumulative effects.

9.5.31. In conclusion, following an examination, analysis and evaluation of the potential impacts of the proposed development, the NIS concludes that the proposed development will not result in direct, indirect or cumulative effects which would significantly affect the qualifying interests or conservation objectives of Kildun Souterrain SAC. I note that mitigation measures have been designed to prevent any

adverse impact on foraging habitats and the noise environment, which I have assessed and consider reasonable. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Kildun Souterrain SAC in view of the Conservation Objectives of this site, which is based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### Other mitigation measures

- 9.5.32. Although not being listed as Qualifying Interests of any of the relevant European Sites, the Annex I birds Ringed Plover and Peregrine Falcon have been recorded on the overall quarry landholding during breeding season. Annual surveys will be carried out to determine whether these species are present and avoidance measures will be incorporated (e.g. no blasting) to prevent any disturbance impacts, which I consider to be acceptable.
- 9.5.33. With regard to the quarry restoration plan, the NIS recommends that Phase II should be amended so that the blasted side slopes are not covered in subsoil. They should be left exposed so that, in time, it may revert to limestone pavement, which I consider to be appropriate.

### **9.6. Appropriate Assessment Conclusion**

- 9.6.1. The proposed removal of overburden and extraction of bedrock from an 8.4-hectare site at Cregaree, Cong, Co. Mayo, has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).
- 9.6.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European Sites:
- Lough Carra/Mask Complex SAC (Site Code: 001774)
  - Lough Corrib SAC (Site Code: 000297)
  - Lough Corrib SPA (Site Code: 004042)
  - Ballymaglancy Cave Cong SAC (Site Code: 000474)
  - Kildun Souterrain SAC (Site Code: 002320)

- 9.6.3. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives.
- 9.6.4. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Lough Carra/Mask Complex SAC (Site Code: 001774); Lough Corrib SAC (Site Code: 000297); Lough Corrib SPA (Site Code: 004042); Ballymaglancy Cave Cong SAC (Site Code: 000474); Kildun Souterrain SAC (Site Code: 002320); or any other European site, in view of the sites' 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**

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations set out hereunder.

## **11.0 Reasons and Considerations**

Having regard to:

- The location of the site within the landholding of an established working quarry and the nature and scale of the proposed development,
- Proposals to protect the environment and control emissions from the site,
- The limited duration of the proposed development and proposals to restore the site in a progressive manner,
- The resource-based nature of the proposed development and the provisions of the Mayo County Development Plan 2014 – 2020,
- The provisions of 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' (DoEHLG, April 2004)

It is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously detract from the geological environment,

landscape character or visual amenity of the area, would not pose an unacceptable risk of environmental or biodiversity damage, would not seriously detract from the amenity of properties in the vicinity, and would not endanger public safety by reason of public health or traffic hazard. 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, as amended by the plans and particulars received by the planning authority on the 23rd day of July, 2020, and again on the 1<sup>st</sup> day of October, 2020, 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. This grant of permission shall be for a period of 25 years from the date of this order. Restoration shall be completed within a further two years, unless a permission for further quarrying has been received prior to the expiry of this permission.

**Reason:** Having regard to the scale of the quarry and its environmentally sensitive location, it is considered reasonable to require the acceptability of continued quarrying to be reconsidered at this time having regard to the circumstances then pertaining.

3. This grant of permission authorises extraction within the application area to a maximum depth of five metre above Ordnance Datum. The developer shall comply with the following:

- a) Prior to commencement of development, a benchmark shall be established on site as a reference point from which all levels shall be

taken. Details of the location and construction of the benchmark shall be agreed in writing with the planning authority.

- b) A topographical survey shall be submitted to the planning authority on a three-yearly basis before the end of June.

**Reason:** In the interest of clarity and to allow for the appropriate monitoring of activity.

- 4. The developer shall ensure that all mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement submitted with the application, together with other mitigation measures submitted with the original application and the further information received by the planning authority on the 23rd day of July, 2020, and again on the 1st day of October, 2020, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

- 5. The quarry, and all activities occurring therein, shall operate only between 0700 hours to 1800 hours, Mondays to Saturdays inclusive. No activity shall take place outside these hours or on Sundays or public holidays. Where market conditions or the nature of particular ancillary processes require greater flexibility of working hours, these times may be adjusted following the written agreement of the planning authority.

**Reason:** To protect the residential amenities of property in the vicinity.

- 6. The details of all blasting, including blast design and implementation, the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least one month prior to commencement of development. The frequency of the blasting operation on the entire quarry shall be limited to not more than four production blasts per month. Blasting shall take place between 1000 hours and 1600 hours from Monday to Friday only and the blasting scheme shall incorporate measures to minimise potential impacts on Peregrine Falcon and Ringed Plover, particularly during the breeding season.

Monitoring of the noise and vibration arising from the blasting shall be carried out at the developer's expense by an independent contractor to be agreed in writing with the planning authority. A protocol for alerting neighbouring residents of each blast shall be agreed in writing with the planning authority at least one month prior to commencement of development.

**Reason:** In the interest of public safety and to protect wildlife and residential amenity.

7. (a) Vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured at any three mutually orthogonal directions. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. The air overpressure from any blast shall not exceed a value of 125 dB (Lin) maximum peak.

(b) Four additional vibration monitoring locations shall be established to the north of the quarry in accordance with proposals submitted to the planning authority on the 1<sup>st</sup> day of October, 2020.

(c) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme 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 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:** In the interest of public safety and to protect wildlife and residential amenity.

8. Two additional noise monitoring locations shall be established in accordance with proposals submitted to the planning authority on the 23<sup>rd</sup> day of July, 2020. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

(a) An LArT value of 55 dB(A) during 0700 to 1800 hours. The T value shall be one hour.

(b) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

**Reason:** To protect the residential amenities of property in the vicinity.

9. Two additional dust monitoring locations shall be established in accordance with proposals submitted to the planning authority on the 23<sup>rd</sup> day of July, 2020. The total dust emissions arising from on-site operations shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge) when measured as deposition of insoluble and insoluble particulate matter at any position on the boundary of the quarry. An adequate hose capacity shall be maintained to dampen down stockpiles, waste piles and equipment during periods of dry windy weather to prevent emissions of fugitive dust.

**Reason:** To protect the residential amenities of property in the vicinity.

10. 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 the following:

(a) Proposals for the suppression of on-site noise.

(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

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

(d) Proposals for the ongoing monitoring of dust emissions at dwellings in the vicinity.

- (e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (f) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (g) Management of all landscaping with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.
- (h) Monitoring of ground and surface water quality, levels and discharges.
- (i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

**Reason:** In order to safeguard local amenities.

11. Implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. The scheme shall be generally in accordance with the approach proposed in section 13 of the Environmental Impact Assessment Report and the following shall apply in relation to the design and timing of the restoration plan:

- (a) The site restoration shall provide for the immediate re-vegetation of the site where suitable. In accordance with recommendations of the Natura Impact Statement, blasted side slopes shall be left exposed.
- (b) Features shall be provided to control sediments which could result in surface water pollution.
- (c) The scheme shall incorporate tree planting to screen the quarry from key vantage points along the local road network.
- (d) Details of site safety measures shall be provided.
- (e) A timescale for implementation and proposals for an aftercare programme of five years shall be agreed in writing with the planning authority.

**Reason:** In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects water quality.



12. 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 and residential amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development

Act 2000 in respect of road improvement works to the R345 in the vicinity of the quarry. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be 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.

**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.

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Stephen Ward  
Senior Planning Inspector

15<sup>th</sup> April 2021