



An
Bord
Pleanála

Inspector's Report

ABP-310037-21

Development

Development consisting of: (a) Erection of a storage shed and (b) variation of conditions of use, specifically Condition 2 of PL7/5/88667 (Concrete Batching Plant) and Condition 2 of PL7/5/88665 (Macadam Plant) to materially change the hours of use of both authorised plants.

Location

Ardgaineen, Claregalway, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

21169

Applicant(s)

Harrington Concrete & Quarries

Type of Application

Permission

Planning Authority Decision

Spilt Decision

Type of Appeal

First Party

Appellant(s)

Harrington Concrete & Quarries

Observer(s)

- (1) Michael & Dymphna Curley
- (2) Patrick & Josephine Fitzgerald

(3) Michael & Margaret Raftery

Date of Site Inspection

21st July 2022

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	16
5.1. National Guidelines Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004:	16
5.2. Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006:.....	16
5.3. Development Plan.....	16
5.4. Natural Heritage Designations	17
5.5. EIA Screening	17
6.0 The Appeal	18
6.1. Grounds of Appeal	18
6.2. Planning Authority Response	21
6.3. Observations	21
6.4. Further Responses.....	22
7.0 Assessment	22
7.2. Principle	22
7.3. Operating Hours.....	23

7.4. Appropriate Assessment	29
7.5. Other Issues.....	34
8.0 Recommendation.....	35
9.0 Reasons and Considerations.....	35
10.0 Conditions	35

1.0 Site Location and Description

- 1.1. The appeal site and associated operating quarry with a stated area of 5.2ha is located off a local road, c1km west of the N83 at Ardgaheen, approx. 7km north of the village of Claregalway and approximately 16km to the north east of Galway City, in Co. Galway. The site lies approximately 6.5km to the west of the M17 motorway and access to the site is by means of a network of local roads.
- 1.2. The site is accessed by way of a well-established gated entrance and surfaced roadway approximately 200m in length. The wider area is characterised by agricultural lands and associated infrastructure together with a notably high density of one-off linear housing, with the nearest houses located directly across the road from the entrance.
- 1.3. A permitted quarry has been in operation at this location for many decades. The full quarry area covers a stated 14.9ha and the excavation on the wider site has been to a depth of between 20-50m bgl. As the existing quarry site is well established, the facilities associated with its operation include offices, weighbridge, at the entrance to the main site, with other associated manufacturing facilities including a concrete batching plant, block making plant and an asphalt/bitumen plant located towards the south and western areas of the wider quarry site. Processing of materials on site also takes place including crushing, screening and washing of aggregate.
- 1.4. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for development consisting of the following:
 - a) Erection of a shed for the storage of the block making machinery (45sqm) and
 - b) variation of conditions of use, specifically Condition No. 2 of PL7/5/88667 (Concrete Batching Plant) and Condition 2 of PL7/5/88665 (Macadam Plant) such as to materially change the hours of use of both authorised plants.
- 2.2. The applicant seeks to vary the operating hours of both plants, associated marshalling areas and haul road to allow plants to operate between the hours of 06.00 hrs and

20.00 Monday to Friday excluding public holidays and between 07.00 and 16.00 on Saturdays. Loading and unloading of vehicles shall be confined to the hours of 07.00 and 19.00 Monday to Friday and 08.00 to 16.00 on Saturdays. Operation of the plant outside of these hours shall be subject to prior agreement with Galway County Council.

- 2.3. The application was accompanied by a cover letter and a Noise Report that concluded that *the predicted noise levels are considered not significant*.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council issued a notification of a split decision as follows:

- **Grant permission** for the erection of a shed for the storage of the block making machinery subject to 4 no conditions summarised as follows:

1	Compliance with plans and particulars submitted on the 15 th February 2021
2	Permission relates to erection of shed for storage of the block making machinery
3	Surface water
4	Development Contribution in the amount to €967.50

- **Refuse permission** for the variation of conditions of use, specifically Condition 2 of PL7/5/88667 (Concrete Batching Plant) and Condition 2 of PL7/5/88665 (Macadam Plant) to materially change the hours of use of both authorised plants for the following reason:

Having regard to the proximity to the established residential properties, it is considered that the proposal to materially change the hours of operation of the Concrete Batching Plant and the Macadam Plant would significantly impact on the existing residential amenities of these properties by reason of the increased hours of operation traffic types and traffic movements generated by the development during these hours and therefore if permitted as proposed, the

development would be contrary to the proposed planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner considered that the proposal to materially change the hours of operation of the Concrete Batching Plant and the Macadam Plant would significantly impact on the existing residential amenities of existing properties in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area. It was therefore recommended that permission to vary the operating hours be refused on grounds of residential / general amenity and permission for the storage shed be granted. The notification of a split decision issued by Galway County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- 3.4.1. There are 37 no of observations recorded on the planning file from (1) Joe and Breda McDermott, (2) Sinead & John Goaley, (3) Jim & Ina Glynn, (4) John & Evelyn Lynch, (5) Claire & Bryan McMahon, (6) Ann Melia, (7) Michael Raftery, (8) Michael & Dympna Curley, (9) Marina Lawless, (10) John Tierney, (11) Patrick & Josephine Fitzgerald, (12) Catherine Nicholls, (13) Collins Family, (14) Kenny & Caitriona Duggan, (15) Lisa Hughes, (16) Glen Tierney, (17) Lisa Dempsey & Tom Berry, (18) Brendan & Anne Marie Newell, (19) Michelle Gavin, (20) Justin & Treise O'Connell, (21) Meabh Lawless, (22) Ann & Andrew Lawless, (23) Mark & Karen Skerritt, (24) Barbara Kavanagh, (25) Clare & John Tighe, (26) Catherine Fahy, (27) Thomas & Fidelma Kearney, (28) Diane & Eamonn Comer, (29) Geraldine Lawless, (30) Joseph & Lisa Fenwick, (31) Coranndrum District & Residents Association, (32) Wayne Hession, (33)

Mary Davey, (34) Eric & Christina Furey, (35) Patricia Lally, (36) Nora & Eugene Lawless and (37) Seamus & Teresa Duke.

- 3.4.2. The issues raised relate to noise impact associated with increased opening hours, inadequate noise survey, increased pollution, increased traffic movements, unsafe walking during working hours, public safety, impact to those working from home, quarry is already working out of hours / breaking time restrictions for a long time, health and safety concerns, health threat, 150 homes and a primary school within 1.5 km of the quarry, substitute consent required, potential ground water pollution, no consideration of adjoining residential properties, weekend working is unacceptable, dust impact, structural impact to houses, the proposed shed is a spurious request, quarry should be turned into a nature reserve, significant planning history, possible breach of Working Time Directive, blight on the landscape, highly intrusive operations, air pollution, carbon intensive development and inadequate perimeter fencing. Also submitted that this is not a valid planning application as unauthorised works have been carried out on the site which require permission, but retention permission is not available as EIA is required.

4.0 Planning History

- 4.1. I note from the planning application that there were 3 previous planning appeals at this site, 2 of which are directly relevant to this appeal as follows:

- **ABP PL7/5/88562 (PA Reg. Ref. 65041) (Stone Crushing)** – In 1992 retention permission was granted on appeal for stone crushing and screening plant and stock piling areas at Ardgaheen. The site area measured c.1.58 hectares.
- **ABP PL7/5/88665 (PA Reg. Ref. 65141) (Macadam Plant)** – In 1992 permission was granted on appeal for the erection of a macadam / asphalt plant, office building and a septic tank at Ardgaheen. **Condition No 2 is relevant to this appeal:**

On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays

- **ABP PL7/5/88667 (PA Reg. Ref. 65144) (Concrete Batching Plant)** – In 1992 permission was granted on appeal for the erection of a concrete batching plant for production of Readymix concrete, concrete blocks and stock piling area at

Ardgaineen. The site measured c.3.25 hectares. **Condition No 2 is relevant to this appeal:**

On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays

4.2. There are a number of appeals on adjoining lands within the wider quarry site that can be summarised as follows:

- **ABP 300710 (Reg Ref 17/1403)** - Galway County Council granted permission in 2018 to Harrington Concrete & Quarries for upgrading an existing quarry entrance comprising of new entrance gate, stone wall, signage & road markings and all associated ancillary site development works. Following a third party appeal the Board granted permission subject to 4 no conditions. Noted that no condition pertaining to operational hours was attached by either the Council or the Board
- **ABP 300817 (Reg Ref 17/1590)** – Galway County Council granted permission in 2018 for the erection of an aggregate storage shed (886.4 sqm) subject to 5 no generally standard conditions. Following a third party appeal the Board granted permission subject to 5 no generally standard conditions. Noted that no condition pertaining to operational hours was attached by either the Council or the Board.
- **ABP-307944-20 (Reg Ref 20/651)** – Galway County Council refused permission in 2020 for the following:
 - a) extraction of rock from an area consisting of 4.35 hectares which was previously subject to rock extraction and all associated facilities / works
 - b) extraction of rock will be undertaken by blasting means down to minus 5m Ordnance Datum with material transported to the existing fixed crushing and screening plant for processing with occasional processing at the application site using mobile plant
 - c) storage of quarry aggregate on completion of extraction
 - d) landscaping and restoration of the site and associated ancillary facilities/ works
 - e) the applicant is seeking a 5 year permission as part of the planning application.Noted that the planning application was accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement. The area of site to which the application related was 4.35 hectares.

The reasons for refusal are as follows:

1) *Having regard to the following:*

- *The infrastructure network in the immediate vicinity of the development site, particularly local road (L6182), and irrespective of attempted remedial road works carried out recently outside of the subject planning unit which appear to be unauthorised and in any case which are considered insufficient, being deficient in terms of its width, composition, alignment and overall carrying capacity to serve a development of the nature and scale proposed,*
- *The potential for intensification of vehicular movements (anticipated 400,000 ton/pa over a five year period) and the overall extraction phasing programme not meeting with the satisfaction of the planning authority,*

To permit the proposed development would be contrary to Objective TI 6 and T10 and DM Standard 20 & 24 of the Galway County Development Plan 2015 – 2021. Accordingly, to grant the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, would have a detrimental impact on the capacity, safety or operational efficiency of the local and national road network in the vicinity of the site, seriously injure the amenities of property in the vicinity and therefore, would be contrary to the proper planning and sustainable development of the area.

2) *Having regard to the significant extent and magnitude of material extraction (anticipated 400,000 ton/pa over a five year period), associated intensification of dust and noise emissions, blasting / vibration and vehicular movements, including HGV movements, the unsatisfactory perimeter boundary arrangement associated with the quarry verge, the planning authority is not satisfied based on submissions received that the proposed development would not endanger the health and safety of persons occupying or adjoining the site and immediate surrounds and seriously injure the amenities of property in the vicinity.*

Following a first party appeal the Board refused permission for the following reason:

1) *On the basis of the documentation submitted with the application and appeal, the Board is not satisfied that the proposed development is not reliant upon*

works to the public road infrastructure in the vicinity of the site, particularly local road (L6182), including works carried out recently outside of the red line boundary of the proposed development and for which no detail of the authorised status of such works has been provided with the application and appeal, as well as other potential road works on lands outside of the control of the applicant which have not yet been undertaken. In the absence of certainty as to the timing and authorised implementation of road works along the L6182 required to facilitate the proposed development, it is considered that the proposed development would endanger public safety by reason of traffic and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- **ABP ref QD07.QD0014:** Permission sought under the provisions of Section 37L of the Planning and Development Acts, as amended for further development of an existing quarry and related ancillary site works at Ardgaheen, Claregalway, Co. Galway. The Board refused permission on the basis that the submitted EIS failed to adequately identify and describe the impacts of the proposed development on the environment in relation to a number of aspects.

4.3. I refer to the previous Board Inspector report associated with the subject site which summarises the planning history of the site as follows:

- **PA Reg. Ref. 24002:** Permission granted by Galway County Council (22/07/77) to Mr. Thomas Hernon to open and operate a rock quarry in the townland of Ardgaheen. The site area is not stated but measures between 3.7 hectares to 4 hectares based on the site location plan.
- **PA Reg. Ref. 65913:** Permission granted by Galway County Council (18/05/92) to Frank Harrington Ltd for retention of existing aggregate stockpiling area in the townland of Ardgaheen. The site area is stated as 0.86 hectares.
- **PA Reg. Ref.13/575:** Permission granted by Galway County Council (11/11/13) to Harrington Concrete & Quarries for the erection of an aggregate storage shed and all associated ancillary facilities (1,104 square metres GFA). Noted that no condition pertaining to operational hours was attached by the Council
- **PA Reg Ref 15/342** – Permission granted by Galway County Council (3/8/2015) for the erection of an aggregate storage shed and all associated ancillary facilities.

(Gross floor space of proposed works 800sqm) subject to conditions. Noted that no condition pertaining to operational hours was attached by the Council.

- **PA Reg Ref 17/363** – Application for development consisting of quarrying of lands consisting of 0.9 hectares located to the north of the existing quarry which will be subject to extraction of rock primarily by drilling and blasting means and all associated ancillary facilities/works was **withdrawn**.
- **PA Reg Ref 18/932** – Application for **extension of duration** for the erection of an aggregate storage shed and all associated ancillary facilities (gross floor space 1104sqm) (Previous Planning Ref. 13/575) granted unconditional permission.
- **PA Reg Ref 20/1922 - Incomplete application** for development consisting of the alteration of the operational hours attached to the existing concrete batching plant and asphalt plant by amending condition number 2 of planning permission PL7/5/88667 (concrete batching plant) and condition number 2 of planning permission PL7/5/88665 (asphalt plant). The applicant seeks to amend the operating hours of both plants, associated marshalling areas and haul road to allow plants to operate between the hours of 06.00 and 20.00 Monday to Friday excluding public holidays and between 07.00 and 16.00 on Saturdays. Loading and unloading of vehicles shall be confined to the hours of 07.00 and 19.00 Monday to Friday and 08.00 to 16.00 on Saturdays. Operation of the plant outside of these hours shall be subject to prior agreement with Galway Co. Co.
- **PA Reg Ref 21/53 - Incomplete application** for development consisting of the variation of conditions of use, specifically Condition No. 2 of PL7/5/88667 [Concrete Batching Plant] and Condition 2 of PL7/5/88665 [Macadam Plant] such as to materially change the hours of use of both authorised plants. The applicant seeks to vary the operating hours of both plants, associated marshalling areas and haul road to allow plants to operate between the hours of 06.00 hrs and 20.00 Monday to Friday excluding public holidays and between 07.00 and 16.00 on Saturdays. Loading and unloading of vehicles shall be confined to the hours of 07.00 and 19.00 Monday to Friday and 08.00 to 16.00 on Saturdays. Operation of the plant outside of these hours shall be subject to prior agreement with Galway County Council
- **PA Reg Ref 18/1149** – Galway County Council refused permission for 5 no reasons for a development consisting of:

- a) Extraction of rock from an area consisting of 4.35 hectares which was previously subject to rock extraction and all associated facilities/works
- b) Extraction of rock will be undertaken by blasting means down to minus 5m above Ordnance Datum with material transported to the existing fixed crushing and screening plant for processing with occasional processing at the application site using mobile plant
- c) Storage of quarry aggregate on completion of extraction
- d) Landscaping and restoration of the site and all associated ancillary facilities/works
- e) The applicant is seeking a 25-year permission as part of the planning application.

The Planning application is accompanied by An Environmental Impact Assessment Report (EIAR).

The reasons for refusal are summarised as follows:

1) Having regard to the following:

- The infrastructure network in the immediate vicinity of the development site namely the local road (L6182) being insufficient in terms of its composition, alignment and overall carrying capacity to serve a development of this nature and scale,
- The quarry entrance and the junction of the aforementioned L6182 with the N83 being inadequate to facilitate for turning movements associated with quarry vehicles
- The lacunae associated with the pavement condition report (no figures for HGV movements for HGV traffic sources) and road safety audit (Section 2.2.1 & 2.3.7) submitted
- The potential for intensification of vehicular movements (anticipated 400,000 ton / pa) and the overall extraction phasing programme not meeting with the satisfaction of the planning authority, to permit the proposed development could be contrary to Objective TI6 & T10 and DM Standard 20 & 24 of the Galway County Development Plan 2015 – 2021.

Accordingly, to grant the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, would have a

detrimental impact on the capacity, safety or operational efficiency of the local and national road network in the vicinity of the site, seriously injure the amenities of property in the vicinity and therefore, would be contrary to the proper planning and sustainable development of the area.

2) Having regard to the following

- The envisaged intensification of material extraction (anticipated 400,000 ton / pa) and the overall extraction phasing programme not meeting with the satisfaction of the planning authority,
- The unsatisfactory perimeter boundary arrangement associated with the quarry verge

The planning authority is not satisfied based on submissions received that the proposed development would not endanger the health and safety of persons occupying or adjoining the site and seriously injure the amenities of property in the vicinity

3) Having regard to the following:

- The lack of satisfactory data to demonstrate the adequate protection of the Peregrine Falcon and its associated practises within the development site
- The deficiency in terms of the scope of the bat surveys by virtue of it not eliminating the adjoining souterrain (GA057-165) as a potential roosts for the lesser horseshoe bat

to permit the proposed development in the absence of a comprehensive and conclusive evidence in the above regard would be contrary to Objectives NHB 1 and NHB 2 and NHB 6 of the County Development Plan and therefore have the potential to have an adverse impact on the wider ecology of the area.

4) To permit the proposal in the absence of development specific archaeological impact assessment conducted in conjunction with the National Monument Service would have serious potential to obliterate the identified archaeological features (GA 057-166 & GA 057-167) or cause inappropriate change of their settings and character and hence therefore would be contrary to the archaeological heritage objective ARC 1 & ARC 7 of the Galway County development Plan 2015 – 2021 would set an undesirable precedent for similar

such development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 5) Notwithstanding the above 4 reasons for refusal, having regard to the application hereby sought being accompanied by a Natura Impact Statement and the failure of same to be publicised accordingly with the requirements of Article 240 of the Planning and Development Regulations 2001 (as amended) the planning authority is precluded from granting permission for the proposed development in this instance.

- **Enforcement**

PA Ref EN19/214: An enforcement file was opened with regard to alleged unauthorised widening of the public road (L6182-4) at various intervals for a distance of 1,200m. It is indicated that a warning letter issued on the matter.

- **Quarry Registration:**

QV0056/QC2193: The quarry was registered under section 261 of the Act, as amended, and the planning authority decided to impose conditions on the quarry under section 261. The quarry owner/operator appealed conditions Nos. 2 and 6 but subsequently withdrew the appeal. The total landholding area was stated as 31.8 hectares, the area extracted as 7.7 hectares and the total extraction area as 22 hectares in further information response received 21/09/05.

- **Quarry Review**

QSP55: A notice issued from Galway County Planning Authority on 03/08/12 under section 261A(3)(a). It was determined that section 261A(2)(a)(i) applies and it was decided that section 261(3)(a)(i) and (ii) were fulfilled. The owner / operator was directed to apply to An Bord Pleanála for substitute consent under 177E accompanied by a remedial environmental impact assessment. The determination and decision were confirmed by the Board on review (02/05/13).

- **Substitute Consent Application**

The site comprises part of a larger quarry and the subject areas was previously approved by ABP in February 2017 by way of Substitute Consent, Ref SU0053

ABP ref. SU0053: This comprised an application for substitute consent under Part XA, Section 177E of the Planning and Development Act 2000, as amended. The planning authority issued a direction under section 261A(3)(c) contained in a

notice issued by the planning authority under section 261A(3)(a)2 on 03/08/12 in respect of the quarry located in the townlands of Ardgaheen, Co. Galway, which was subsequently confirmed by the Board on review. The notice required that the owner / operator apply to the Bord for substitute consent in respect of the 'quarry' under section 177E of the Act accompanied by a remedial Environmental Impact Statement. The Board granted substitute consent in February 2017

5.0 Policy Context

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

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

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

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

5.3. Development Plan

- 5.3.1. The **Galway County Development Plan 2015 - 2021** is the operative plan for the area. Chapter 6 of the Plan relates to Water, Wastewater, Waste Management &

Extractive Industry with Sections 6.20 and 6.21 dealing with mineral extraction in quarries. Quarrying and other extractive industries are recognised as important to the local rural economic development of the County in terms of generating employment and providing raw material to the construction industry. The geology of the County produces aggregate resources in terms of sand, limestone and gravel, which are currently exploited at quarries throughout the County and the Council recognises this resource as a significant economic asset. The Council will facilitate harnessing the potential of the area's natural resources while ensuring that the environment and rural and residential amenities are appropriately protected. The Council will take full account of the DECLG Guidelines in respect of quarrying and ancillary activities.

5.3.2. **Policy EQ 2 – Adequate Supply of Aggregate Resources:** Ensure adequate supplies of aggregate resources to meet future growth needs within County Galway, facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates, and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses.

5.3.3. **DM Standard 37: Extractive Development** sets out details that shall be considered central to the determination of any application for planning permission for extractive development:

5.4. **Natural Heritage Designations**

5.4.1. The site is not located within a designated Natura 2000 site.

5.5. **EIA Screening**

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal against the split decision to refuse permission for the variation of conditions of use, specifically Condition 2 of PL7/5/88667 (Concrete Batching Plant) and Condition 2 of PL7/5/88665 (Macadam Plant) to materially change the hours of use of both authorised plants was prepared and submitted by Earth Science Partnership (Ire) Ltd and may be summarised as follows:

- **Current Hours of Operation** – The current operating hours at both the asphalt plant and the concrete batching facility are conditioned under their respective permissions and the quarry hours are set out in Section 261 Conditions attached to the quarry all of which are detailed below:
 - i) **Asphalt Plant** (ABP PL7/5/88665 No 2) – *On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays*
 - ii) **Concrete Batching Plant** (ABP PL07.088667 No 2) – *On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays*
 - iii) **Section 261 Conditions No 6** – *Quarry operations including the loading and unloading of heavy goods vehicles to and from the site shall be confined to the hours between 08.00 and 18.00, Monday to Friday excluding public holidays and between 08.00 and 14.00 on Saturdays. The permission specifically excludes public holiday workings and Sundays. Reason – In the interest of residential amenity.*
- **Proposed Hours of Operation** – The operator requests that the above conditions be amended to read as follows:

The plant shall operate between the hours of 06.00 and 20.00 Monday to Friday excluding public holidays and between 07.00 and 16.00 on Saturdays. Loading and unloading of vehicles shall be confined to the hours of 07.00 and 19.00

Monday to Friday and 08.00 to 16.00 on Saturdays. Operation of the plant outside of these hours to cater for exceptional projects shall be subject to prior agreement with Galway County Council.

- The period of 06.00 to 07.00 is required in order to allow employees to enter the quarry to heat up the asphalt plant and to have batches of asphalt and concrete mixed for loading onto trucks at 07.00. Trucks will be allowed enter for loading of materials from 07.00. The aggregate bins will be loaded with materials before close of business day before to reduce the requirement for a wheel loader to be operational during this period. Submitted that there may also be a requirement on occasion to operate a loading shovel during this period to load the aggregate bins. The use of the wheel loader has been considered as part of the noise assessment report.
- The applicant has also requested that a condition be attached to allow the plants to occasionally operate outside normal operating hours subject to agreement with Galway County Council to supply products for exception projects which cannot be undertaken during normal hours such as street paving and night-time concrete pour.
- **Justification for Requesting Amendments** – The reasons for the increase in operational hours of both plants, as set out in the application is as follows:
 - i) Traffic congestion – amended operational hours are required to supply concrete and asphalt products to customers located within in or near Galway City prior to early morning traffic congestion and to return to the quarry after evening traffic congestion. To avoid peak morning rush hour traffic, trucks need to be leaving the quarry shortly after 7am but are not authorised to leave until 08.00 and are caught in traffic congestion. In the evening trucks may not return till after 18.00.
 - ii) The quarry is operating at a competitive disadvantage as they are unable to meet time constraints and loosing out on tendering projects.
 - iii) Construction works requiring Contractors and Local Authorities to close roads and streets closure at night will be disadvantaged. Flexibility is required in order to operate during night-time hours and subject to a condition requiring agreement with the Local Authority on a project by project basis.

- iv) The proposed development will not result in any physical alteration to existing structures or to any change in current output rates.
- Existing Plants – A list of authorised asphalt and concrete batching plants in Co Galway and their operational hours is provided as follows:
 - i) Roadstone Two Mile Ditch – 07.00 to 19.00 Monday to Friday excluding public holidays and between 07.00 and 15.00 on Saturdays
 - ii) Roadstone Kilchreest – No operational hours condition
 - iii) Mortimer Quarries Carton - 07.00 to 20.00 Monday to Friday and between 07.00 and 14.00 on Saturdays excluding Sundays and public holidays
 - iv) John Madden & Sons Ardahan – 07.00 to 19.00 Monday to Friday and between 08.00 and 14.00 on Saturdays excluding Sundays and public holidays
 - v) Esker Readymix Athenry – No operational hours condition
 - vi) Cannon Concrete Oranmore – 07.00 to 19.00 Monday to Friday excluding public holidays and between 07.00 and 15.00 on Saturdays excluding Sundays and public holidays
 - vii) Coshla Quarries Barrettspark - 08.00 to 18.00 Monday to Friday excluding and between 08.00 and 16.00 on Saturdays. *Truck loading activities may be undertaken between the additional hours of 07.00 and 08.00 Monday to Saturday inclusive.*

It is evident that the applicants are operating at a competitive disadvantage with regard to operational hours with some having no restrictive conditions attached. Particular reference is made to the Roadstone Kilchreest Quarry.

- **Quarry Guidance** – The 2004 Guidelines recommend that normal operations should be confined to the hours between 07.00 and 18.00 Monday to Friday inclusive (exclusive of bank holidays) or as may be agreed with the planning authority and between 0700 and 1400 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. The guidelines further state that “*where market conditions or the nature of the particular ancillary processes (such as concrete batch manufacturing) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at pre-application stage and addressed at the planning application stage*”. The Environmental Management Guidelines Environmental

Management in the Extractive Industry (Non-Scheduled Minerals) (EPA) states that “*on site activities should be permitted during night time hours were they comply with the noise ELVs (e.g heating up of asphalt plants, loading of materials)*”.

- **Appeal** – Galway Co Co have erred in their decision to refuse permission to vary the hours of operation.
- **Residential Amenity** – A Noise Impact Assessment report was submitted with the planning application to assess the potential impact on both plants operating during the extended hours of operation. The report concluded that the noise levels at nearest noise sensitive locations associated with the operation of the plant during the extended hours would be within recommended guideline values for such developments.
- **Traffic Movements** – Tobin Consulting Engineers were retained to carry out a Traffic & Transport Assessment in relation to the overall quarry development. The assessment was based on the operational hours of Monday to Friday 07.00 – 19.00 hrs and Saturdays 07.00 – 14.00 hrs. The traffic assessment concluded that the junctions at both the quarry entrance with the L6182 (Junction 1) and the L6182 with the N83 (Junction 2) would operate below the maximum desired RFC (Ratio of Flow to Capacity) of 0.85. The pavement survey and reporting prepared by Pavement Management Services (PMS) of the structural condition of the L6182 Local Road indicates that the pavement condition is suitable to accommodate a design life of 20 year in accordance with the TII Standards for the associate quarry traffic vehicle million standard axles.

6.1.2. The appeal was accompanied by the Tobin Traffic Assessment.

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. There are no observations recorded on the appeal file from (1) Michael & Dymphna Curley, (2) Patrick & Josephine Fitzgerald and (3) Michael & Margaret Raftery.

6.3.2. The issues raised relate to the location of a quarry in the middle of a residential area, the quarry is the lesser interested party, inadequate size of proposed shed indicates

its spurious nature, noise impact, traffic volumes, traffic safety and that the quarry is not operating at a competitive disadvantage when compared to other quarries (examples provided).

6.4. Further Responses

6.4.1. None

7.0 Assessment

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

- Principle
- Operating Hours
- Screening for Appropriate Assessment
- Other Issues

7.2. Principle

7.2.1. Planning permission is sought for the following.

- a) Erection of a shed for the storage of the block making machinery (45sqm) and
- b) variation of permitted hours of operation

7.2.2. Galway County Council issued a notification of split decision to grant permission for storage shed and refusal for the variation of permitted hours of operation. The matter of operational hours is discussed under a separate heading below.

7.2.3. The proposed shed to be erected will be approximately 14.5sqm in area and will consist of concrete block walls and metal cladding. It will be used to store the block making machinery used to mould the concrete blocks together with the forklift used to stack the blocks in a designated area when not in use. It is stated that the proposed development will not result in any physical alteration to existing structures or to any change in current output rates.

- 7.2.4. Given the long-established quarry use at this location together with the scale, design, location and use of the proposed storage shed I consider this element of the proposal to be acceptable. It is recommended that should the Board be minded to grant permission that a condition be attached requiring that when quarrying has ceased, the building shall be removed as part of the restoration of the overall site.

7.3. Operating Hours

- 7.3.1. As set out above the applicant also sought planning permission for the variation of permitted hours of operation specifically Condition No. 2 of PL7/5/88667 (Concrete Batching Plant) and Condition 2 of PL7/5/88665 (Macadam Plant) such as to materially change the hours of use of both authorised plants.
- 7.3.2. Galway County Council refused permission for this element of the scheme by reason of the proximity of the Concrete Batching Plant and the Macadam / Asphalt Plant to established residential properties whereby such a change would significantly impact on the amenities of these properties by reason of the increased hours of operation, traffic types and traffic movements generated by the development during these hours
- 7.3.3. The current operating hours at both the asphalt plant and concrete batching plant are conditioned under their respective parent permissions and the quarry hours are set out in the Section 261 Conditions, all of which are detailed below:
- **Asphalt Plant** (ABP PL7/5/88665 Condition No 2) – *On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays*
 - **Concrete Batching Plant** (ABP PL07.088667 Condition No 2) – *On-site operations associated with the proposed development shall be carried out only between 0800 hours and 2000 hours Monday to Fridays (inclusive) and between 0800 hours and 1600 on Saturdays*
 - **Section 261 Conditions No 6** – *Quarry operations including the loading and unloading of heavy goods vehicles to and from the site shall be confined to the hours between 08.00 and 18.00, Monday to Friday excluding public holidays and between 08.00 and 14.00 on Saturdays. The permission specifically excludes public holiday workings and Sundays.*

7.3.4. For ease of reference the permitted operational hours and the proposed operational hours are summarised as follows:

	Macadam / Asphalt Plant	Concrete Batching Plant
ABPPL7/5/88665	0800 - 2000 Monday to Friday 0800 - 1600 Saturday	
ABPPL07/088667		0800 - 2000 Monday to Friday 0800 - 1600 Saturday
Section 261 Quarry operations including the loading and unloading of heavy goods vehicles to and from the site	08.00 - 18.00 Monday to Friday excluding public holidays 08.00 - 14.00 on Saturdays Excludes public holiday workings and Sundays	
Proposed Operating hours of both plants. No proposed changes to the quarry hours.	06.00 - 20.00 Monday to Friday excluding public holidays 07.00 - 16.00 on Saturdays Loading / unloading of vehicles shall be confined to 07.00 - 19.00 Monday to Friday and 08.00 - 16.00 on Saturdays. The operation of the plant outside of these hours shall be subject to prior agreement with Galway County Council	

7.3.5. Essentially it is proposed to extend the morning operational hours by 2 hours Monday to Friday (06.00) and 1 hour on Saturdays (07.00).

7.3.6. The proposed operational hours are required in order to supply concrete and asphalt products to customers located within or near Galway city prior to the early morning traffic congestion and to facilitate a return to the quarry after evening traffic congestion. It is approximately 20km by road to Galway City Centre with a journey time of approximately 45 minutes during normal off-peak traffic periods. For quarry traffic to avoid peak morning rush hour traffic, trucks need to leave the quarry shortly after 7am. The proposed extension to the morning hours will allow staff to enter the quarry to heat up the asphalt plant to ensure that asphalt products are batched and ready for loading at 07.00. Similarly, the concrete will be required to be batched and ready for loading at 07.00. Under existing planning conditions trucks are not authorised to leave the quarry until 08.00 and are caught up in traffic congestion thereby doubling the delivery

time. It is proposed that trucks will be allowed enter for loading of materials from 07.00. Similarly, in the evening trucks returning to the quarry during evening traffic congestion times may not return to the quarry till after 18.00 during week day hours. It is submitted that the aggregate bins will be loaded with materials before close of business day before to reduce the requirement for a wheel loader to be operational during this period.

7.3.7. It is the applicant's position that because of the current operation hours, they are unable to meet time constraints of various projects and thereby losing out on tendering for projects and operating at a competitive disadvantage when compared to other suppliers which have more favourable hours. Multiple examples in Co Galway have been provided in the appeal to support this position with a significant majority of the referenced sites operating under more favourable conditions with regards operational hours with some of the sites having no conditions attached in relation to operational hours. Generally, the operation hours permitted in the examples provided are between 07.00 and 19.00 Monday to Friday excluding Sundays and public holidays and between 07.00 and 15.00 on Saturdays. Where works commence at 08.00 it is noted that truck loading activities may be undertaken between the additional hours of 07.00 and 08.00.

7.3.8. I refer the Board to the Department of Environment, Heritage and Local Government "Quarries and Ancillary Activities, Guidelines for Planning Authorities" (April 2004). Within this document it is recommended that normal operations should be confined to between 0700 and 1800 Monday to Friday inclusive (exclusive of bank holidays or as may be agreed with the Planning Authority) and between 0700 and 1400 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. The Guidelines continue by stating that "*where market conditions or the nature of the particular ancillary processes (such as concrete batch manufacture) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at pre-application stage and addressed at the planning application stage*". This aligns with Policy EQ2 of the County Development Plan which states that it is the policy of the Council to '*ensure adequate supplies of aggregate resources to meet future growth needs within County Galway, facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates, and ensure that this exploitation*

of resources does not adversely affect the environment or adjoining existing land uses. Accordingly, it is evident that there is policy support for flexible working hours in order to deliver adequate supplies of raw materials without detriment to adjoining residential amenities.

- 7.3.9. However notwithstanding general policy support for extended hours of operation the pertinent issue to be considered in this case is any potential *significant impact on the existing residential amenities*. The asphalt plant and concrete batching plant is not located within an industrial area – rather a rural area within which there are many uses (quarrying, agriculture, residential, civic amenity site, commercial, etc.). However, it was noted on day of site inspection that the existing quarry is enclosed within what is essentially a small square of public roads (site map refers) with the quarry adjoining one of these narrow local roads to the west. The immediate area is heavily populated with linear one off housing. It was observed on day of site inspection that there are approximately 91 dwellings fronting onto the local roads immediately adjoining the quarry, with the highest concentration of housing focused to the south and east and with a further cluster of residential properties located in very close proximity to the appeal site to the north. Having regard to the sites location I share the concerns raised that any increase in the hours of operation may have a negative impact on the residential properties in the immediate vicinity of the appeal site particularly given the distance to some of these properties.
- 7.3.10. The operation of any quarry presents a difficulty in that it is a necessary and vital resource for the future development of the area but where that operation gives rise to concerns such as potential negative impacts to adjoining residential amenities these considerations have to be weighed against the economic, employment and wider development factors. While the proposed extended hours of operation have the potential to negatively impact the existing residential and general amenities of the area, I note and accept the historical presence and ongoing quarrying, stone crushing, concrete batching and asphalt plant operations at this location over many decades.
- 7.3.11. In terms of impact to adjoining residential amenities Any adverse noise impact is likely to be the most significant concern. To this end I refer to the Noise Assessment (January 2021) that was undertaken to assess the noise levels from the operational concrete batching plant and asphalt plant at nearest sensitive receptors during the revised hours requested. Table 1 of the report gives the mean baseline noise levels

expressed as whole numbers for the periods between 06.00 – 08.00 hours and 18.00 – 20.00 hours from 31st October to 8th November 2018 (excluding Sunday). Table 2 of the report gives predictions locations, distances of activity and noise levels as measures on site. The main noise source within the asphalt plant is the large motor which is approx. 1.5m above ground level, with the main source from the concrete plant being the truck filling with maximum rev of the ready-mix truck and rotating the drum. It is noted that the mixing drum in both plants are housed. The main noise sources are within 3m of ground level including the large motor driving the asphalt plant. The assessment showed that the noise level from the plant and ancillary operations associated with production at each plant and related traffic are below recommended guideline values.

- 7.3.12. It is accepted that for safety, traffic management and operational reasons asphalt plants are often required to provide materials to major road schemes outside normal operating hours e.g night-time working. However, the proposed commencement time of 0600 hours is very early and given the high density of rural residential development in the area and notwithstanding the findings in the Noise Report is the subject of much opposition from the third-party observers in the vicinity of the site. The current permitted evening time hours of operation exceed the times as set out in the Quarries and Ancillary Activities Guidelines (2004), with an extra 2 hours from 1800 to 2000 Monday to Friday and 1400 to 1600 on Saturdays. Given the location of the site within a heavily populated rural area I am not convinced that the earlier start time of 0600 hours has been justified in this instance.
- 7.3.13. On balance I would consider that the starting time of 0700 hours is reasonable Monday-Friday and that 0800 hours is reasonable on a Saturday, and that to permit an earlier starting time by a further additional hour on each of the six days would have negative impact on residential amenity. I consider that a starting time of 0700 hours is also in compliance with Government guidance and recommend that permission be granted subject to condition setting out a start time of 0700 in line with the Guidelines.
- 7.3.14. Having regard to the foregoing together with my recommendations regarding operational hours above it is also recommended that should the Board be minded to grant permission that a noise monitoring condition be attached requiring that the noise level from within the boundaries of the site shall not exceed:

- a) An LArT value of 55dB(A) during the period 0700 to 1900 hours from Monday to Friday (inclusive) and 0700 to 1400 hours on Saturdays.
- b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

- 7.3.15. With regard to the effect of the development on traffic movements generated by the development during the extended operational hours as recommended above I note the concerns raised. There are no proposals pertaining to the continuation of quarrying outwith the permitted annual extraction limit. I refer to the Traffic and Transportation Assessment Report submitted. The proposal to increase the hours and associated traffic will not impact on the carrying capacity of the L6182 of the RFC of both junctions. Therefore, in terms of traffic there will be no impact on the road infrastructure in the vicinity. The noise level associated with traffic movements to and from the quarry along the L6182 will be insignificant as the traffic associated with the quarry will be minimal compared to existing road usage during the period of 07.00 to 08.00 with in region of 200 vehicles recorded travelling along the L6182 during a traffic count undertaken by Tobin Consulting Engineers.
- 7.3.16. Having regard to the location and established access serving the site on a local road that is c1km west of the N83 I consider that any likely modest increase in traffic associated with earlier operation hours as recommended above, and subject to conditions of the permission, would not lead to a substantial increase on the public road network or give rise to a serious risk of traffic hazard or disamenity for road users, over and above existing levels.
- 7.3.17. With regard to the proposed flexibility in the operation of the plant at night-time and outside of the proposed amended hours (subject to agreement with Galway County Council) it is submitted that some construction and road works may involve the closure of roads or streets leading to traffic delays during daytime. Given the significant flexibility afforded to the developer, as recommended in the foregoing, I am concerned that operations may on occasion run over a 24-hour period. This is unacceptable given the location of the quarry proximate to adjoining residential properties. Accordingly, it is recommended that flexibility in operations at night time and outside permitted hours is not permitted. I am satisfied that this can be dealt with by way of a suitably worded condition.

7.3.18. In conclusion, it is considered that having regard to the foregoing, the proposed development subject to suitable conditions, would not be likely to give rise to nuisance or serious injury to the residential amenities of the property in the vicinity of the site or by traffic movements generated by the development during these hours. Should the Board be minded to grant permission, appropriate conditions should be attached to any such permission as discussed above.

7.4. Appropriate Assessment

7.4.1. No information in relation to Appropriate Assessment was submitted with the application. The planning authority carried out AA Screening and determined that significant adverse impacts on the Nature network could be ruled out.

7.4.2. The site description and proposed development are set out in Section 1.0 and 2.0 above. The site is not located within or directly adjacent to any designated Natura 2000 site and there are no proposals for works to any European Site. There are a total of 4 no SACs within 15km of the proposed development site and these are set out in the table below. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter.

Name (Site Code)	Distance
Lough Corrib SAC (000297)	c2.6km east
Lough Corrib SPA (004042)	c7km west
Inner Galway Bay SPA (004031)	c15km south
Galway Bay Complex SAC (000268)	c14km south

7.4.3. Site specific conservation objectives and qualifying interests have been set for the 4 no sites by the National Parks and Wildlife Service (NPWS). Details are summarised as follows

European Site	Conservation Objective	Qualifying Interest
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Lough Corrib SAC (000297)	<p>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Further detailed conservation objectives for each qualifying interest are provided by the NPWS.</p> <p>Please note that this SAC overlaps with Lough Corrib SPA (004042). It is adjacent to Galway Bay Complex SAC (000268), Maumturk Mountains SAC (002008), Connemara Bog Complex SAC (002034) and Monivea Bog SAC (002352). The conservation objectives for this site should be used in conjunction with those for overlapping and adjacent sites as appropriate</p>	<ul style="list-style-type: none"> ▪ Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> ▪ White-clawed Crayfish <i>Austropotamobius pallipes</i> ▪ Sea Lamprey <i>Petromyzon marinus</i> ▪ Brook Lamprey <i>Lampetra planeri</i> ▪ Salmon <i>Salmo salar</i> ▪ Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> ▪ Otter <i>Lutra lutra</i> ▪ Slender Green Feather-moss <i>Drepanocladus vernicosus</i> ▪ Slender Naiad <i>Najas flexilis</i> ▪ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) ▪ Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea</i> ▪ <i>uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> ▪ Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. ▪ Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation ▪ Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)
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		<ul style="list-style-type: none"> ▪ Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) ▪ Active raised bogs ▪ Degraded raised bogs still capable of natural regeneration ▪ Depressions on peat substrates of the Rhynchosporion ▪ Calcareous fens with Cladium mariscus and species of the Caricion davallianae ▪ Petrifying springs with tufa formation (Cratoneurion) ▪ Alkaline fens ▪ Limestone pavements ▪ Old sessile oak woods with Ilex and Blechnum in the British Isles ▪ Bog woodland
Lough Corrib SPA (004042)	<p>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>The objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and the wetland habitat at Lough Corrib SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<ul style="list-style-type: none"> ▪ Gadwall (<i>Anas strepera</i>) ▪ Shoveler (<i>Anas clypeata</i>) ▪ Pochard (<i>Aythya ferina</i>) ▪ Tufted Duck (<i>Aythya fuligula</i>) ▪ Common Scoter (<i>Melanitta nigra</i>) ▪ Hen Harrier (<i>Circus cyaneus</i>) ▪ Coot (<i>Fulica atra</i>) ▪ Golden Plover (<i>Pluvialis apricaria</i>) ▪ Black-headed Gull (<i>Chroicocephalus ridibundus</i>) ▪ Common Gull (<i>Larus canus</i>)

		<ul style="list-style-type: none"> ▪ Common Tern (Sterna hirundo) ▪ Arctic Tern (Sterna paradisaea) ▪ Greenland White-fronted Goose (Anser albifrons flavirostris) ▪ Wetland and Waterbirds
Inner Galway Bay SPA (004031)	<p>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Please note that this SPA overlaps with Galway Bay Complex SAC (000268). The conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate</p>	<ul style="list-style-type: none"> ▪ Great Northern Diver Gavia immer ▪ Cormorant Phalacrocorax carbo ▪ Grey Heron Ardea cinerea ▪ Brent Goose Branta bernicla hrota ▪ A050 Wigeon Anas penelope ▪ Teal Anas crecca ▪ Shoveler Anas clypeata ▪ Red-breasted Merganser Mergus serrator ▪ Ringed Plover Charadrius hiaticula ▪ Golden Plover Pluvialis apricaria ▪ Lapwing Vanellus vanellus ▪ Dunlin Calidris alpina alpina ▪ Bar-tailed Godwit Limosa lapponica ▪ Curlew Numenius arquata ▪ Redshank Tringa totanus ▪ Turnstone Arenaria interpres ▪ Black-headed Gull Chroicocephalus ridibundus ▪ Common Gull Larus canus ▪ Sandwich Tern Sterna sandvicensis ▪ Common Tern Sterna hirundo

		<ul style="list-style-type: none"> ▪ Wetlands
Galway Bay Complex SAC (000268)	<p>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Further detailed conservation objectives for each qualifying interest are provided by the NPWS.</p> <p>Please note that this SAC overlaps with Inner Galway Bay SPA (004031) and adjoins Moneen Mountain SAC (000054). See map 2. The conservation objectives for this site should be used in conjunction with those for the overlapping and adjacent sites as appropriate.</p>	<ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Coastal lagoons ▪ Large shallow inlets and bays ▪ Reefs ▪ Perennial vegetation of stony banks ▪ Salicornia and other annuals colonising mud and sand ▪ Atlantic salt meadows (Glauco-Puccinellietalia maritima) ▪ Otter <i>Lutra lutra</i> ▪ Harbour seal <i>Phoca vitulina</i> ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ▪ Turloughs* ▪ <i>Juniperus communis</i> formations on heaths or calcareous grasslands ▪ Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) ▪ Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* ▪ Alkaline fens

7.4.4. As stated above all of the proposed works take place outside the SACs and SPAs and therefore there are no direct effects on the integrity of these European Sites. In addition:

- There is no habitat loss / alterations arising from the proposed development
- There is no surface water, groundwater or underground features connecting the sites
- There is significant distance between the sites
- There are no known migration routes of Species of Special Conservation Concern over the site

7.4.5. Taking together with an examination of the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separating distances and functional relationship between the proposed works and the European Sites, their conservation objectives and my assessment of the subject site and the surrounding area, the potential impacts to the following 4 no European sites:

- 1) Lough Corrib SAC (000297)
- 2) Lough Corrib SPA (004042)
- 3) Inner Galway Bay SPA (004031)
- 4) Galway Bay Complex SAC (000268)

are excluded from further consideration and are therefore screened out.

7.4.6. Having regard to the scale and nature of the proposed development, I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.5. Other Issues

7.5.1. **Development Contribution** – Condition No 4 of the notification of decision to grant permission requested the payment of a Development Contribution in the amount to €967.50. I refer to the Galway County Council Development Contribution Scheme 2016. The proposed development is not exempt. It is therefore recommended that

should the Board be minded to grant permission that a suitably worded condition be attached, similar to Condition No 4, requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the planning history of the site, the resource based nature of the proposed development, the pattern of development in the area and the provisions of the Galway County Development Plan 2015 – 2021 in respect of the extractive industry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following condition. 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.</p> <p>Reason: In the interest of clarity</p>
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2.	<p>Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant permissions granted by the planning authority and An Bord Pleanála.</p> <p>Reason: In the interest of clarity and orderly development.</p>
3.	<p>a) The proposed development is for the erection of a storage shed and extended hours of operation and shall not be construed as a permission for an intensification of use of the site for quarrying or any other purpose.</p> <p>b) When quarrying has ceased, the building shall be removed as part of the restoration of the overall site.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area.</p>
4.	<p>a) The Concrete Batching Plant and the Macadam Plant, and all activities occurring therein, shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0800 hours and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.</p> <p>b) No truck loading activities shall be undertaken between the additional hours of 07.00 and 08.00 Monday to Friday inclusive.</p> <p>c) No works shall take place at night-time or outside of the foregoing amended hours of operation,</p> <p>Reason: In order to protect the amenities of property in the vicinity.</p>
5.	<p>a) At the entrance to the site sight distance triangles shall be adequately maintained and kept free from vegetation or other obstructions that would reduce visibility below the minimum required.</p> <p>b) The developer shall provide road markings (Edge of Carriageway lines RRM 0025) to delineate the edge of the public road, on both sides of the road, for a distance of 100 metres in both directions from the quarry entrance.</p>

	<p>c) The developer shall provide a sign stating 'Caution Quarry Entrance 200 metres ahead' in an appropriate location.</p> <p>Details of these requirements shall be agreed with the planning authority prior to the commencement of development on site.</p> <p>Reason: In the interest of road safety.</p>
6.	<p>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-</p> <p>a) An LArT value of 55dB(A) during the period 0700 to 2000 hours from Monday to Friday (inclusive) and 0800 to 1600 hours on Saturdays.</p> <p>b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity</p>
7.	<p>Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).</p> <p>Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
8.	<p>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</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Mary Crowley

Senior Planning Inspector

10th August 2022