



An
Bord
Pleanála

Inspector's Report ABP-316226-23

Development

Extraction of rock from an area consisting of 1.9 hectares which was previously subject to rock extraction. The duration of the proposed works is over a 25 year period. The application is accompanied by a Natura Impact Statement (NIS).

Location

Lettershea, Clifden, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

221176

Applicant(s)

Martin Mannion.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Dan O'Hara Ltd.

Observer(s)

None.

Date of Site Inspection

2 and 3 November 2023.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Development	5
4.0 Planning Authority Decision	5
4.1. Decision	5
4.2. Planning Authority Reports.....	5
4.3. Prescribed Bodies.....	7
4.4. Third Party Observations.....	8
5.0 Planning History.....	8
6.0 Policy Context	9
6.1. Development Plan	9
6.2. Natural Heritage Designations	13
6.3. EIA Screening	13
7.0 The Appeal.....	13
7.1. Grounds of Appeal.....	13
7.2. Applicant Response.....	16
7.3. Planning Authority Response	17
8.0 Assessment.....	18
9.0 Recommendation.....	44
10.0 Reasons and Considerations	44
11.0 Conditions.....	46
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Introduction

- 1.1. Planning permission is sought for the extraction of rock as an extension of Mannion's Lettershea Quarry within an application site of 1.9ha. The area was previously subject to rock extraction, substitute consent was sought and permitted under ABP ref SU07.SU0069. The overall area of the quarry (disturbed areas) amounts to 3.8ha and annual output is 50,000 tonnes. The extraction of rock will be undertaken by blasting down to a level of 36.4 metres above datum, from the existing bench level of 48 metres above datum. The development proposes the provision of mobile crushing and screening plant. The development proposal includes blasting and an operational phase of 25 years is sought, a rehabilitation plan is included but without a timeframe.
- 1.2. The appeal site lies immediately to the north of an existing pre '63 (1964) quarry, currently excavated to a level of 29.4 metres above datum. The quarry has been registered under section 261 of the Acts (QC07.QC2199 refers) as a pre '63 quarry.

2.0 Site Location and Description

- 2.1. The quarry is located on the northern side of the N59 national secondary route in west Galway approximately 9 kilometres east of Clifden and 13 kilometres west of Recess. The application relates to the further extraction of rock from an area of 1.9 Hectares, previously the subject of quarrying activity. This portion of the wider quarry lands has been excavated from the hillside and results in a large area of exposed rock face down to a level surface, 48 metres above datum. To the south of the subject site is an area of active quarrying in operation for some time and extends to an area of 1.9 Hectares and down to a level of 29.4 metres above datum, and information derived from quarry registration material indicates that the overall holding is 22.678 hectares. Access to the site is from an existing entrance with the N59. The site is an active quarry and during both my site visits a single truck was loaded with material, no further activity was taking place.
- 2.2. Two separate level portions have been excavated. The lower platform has been excavated to a depth of 29.4 metres above datum in the early life of the quarry. This platform is not part of the application area and is now used for storage of plant and as a loading area. A fenced enclosure contained a number of vehicles and plant, a site office and welfare block is located to the south of this enclosure.

3.0 Proposed Development

3.1. The proposed development can be summarised as follows:

- Extraction of rock from an area comprising of 1.9 hectares which was previously subject to rock extraction and with the benefit of Substitute Consent.
- The extraction of rock will take place in phases, down to a bench level of 36.4 metres OD.
- The duration of the proposed works is over a 25 year period.

3.2. The application is accompanied by a Natura Impact Statement (NIS).

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Planning Authority decided to grant permission subject to 15 conditions. Some conditions are of a standard or technical nature and some relate to development contributions, notable conditions include:

Condition 2 – permission is restricted to 1.9 Hectares of the site.

Condition 3 – permission is for 25 years.

Condition 4 – all mitigation measures of the NIS to be implemented and an Environmental Manager to be appointed.

Condition 5 – a monitoring programme to be agreed prior to commencement, details listed a) to g).

Condition 6 - dust control measures.

Condition 7 – measures outlined in the TIA to be implemented and monitoring to be carried out to ensure no intensification.

Condition 11 – Blasting restrictions and controls.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- The current proposal addresses all of the reasons for refusal that issued in relation to the previous application that was the same in all respects, PA 20/828 refers.
- EIA – a report prepared under schedule 7 and schedule 7A, after preliminary screening it is concluded that an EIAR is not required.
- NIS – contents noted and further information is required.
- The quarry's planning history is noted regarding substitute consent and refusals of permission including the continuation of quarrying on the site under a 37L application.
- Enforcement history is noted and active files have been closed.
- Access – it is stated that traffic will not increase as a result of the quarry extension, an existing entrance is to be utilised. A TIA has been submitted to support the application and explain traffic movements on the N59. In light of the submission from the TII, clarification is required to better explain why traffic movements will not increase and that no intensification of use will occur.
- Surface water will be treated on site before outfall to the Derryehorraun Stream, a discharge licence has been issued under licence ref W/500/21 dated 21 March 2022. The DAU recommend annual monitoring the format of which to be agreed.
- Water supply and treatment details are noted.
- Landscape – this is a class 4 landscape and policies and objectives of the development plan apply. Ongoing and planned landscaping measures will assist to reduce the visual impact from the quarry,
- Noise/odour/dust – the environmental report outlines the existing situation and that matters will not change. The Environmental Section of the council require conditions in the event of a grant of permission.
- Residential Amenity – four houses are located with 350 metres of the quarry, noise and dust monitoring will ensure minimal impact.
- Peat stability will be ensured as part of the development.

- Phasing plan noted and accepted.

In accordance with the recommendation of the Planner, further information was requested with respect to dust emissions and designated sites, surface water monitoring details, traffic movements and impacts to the N59.

Further Information Report

- In terms of dust emissions and no resultant impacts upon the Twelve Bens Garraun complex pNHA and Connemara Bog complex SAC, the information submitted is acceptable.
- Water quality program is acceptable and in accordance with the Discharge Licence issued, adherence to conditions of the licence is required.
- Traffic Movements – hours of operation 0900-1700, 4 movements per hour, 36 movements per day. This will result in an overall and cumulative impact to traffic volumes along the N59 of less than 4.5%. Given the existing alignment and geometry of the N59, the existing entrance and limited number of traffic movements, no intensification will result.
- NIS – given the hydrological connection to the Connemara Bog complex SAC2, the specific mitigation measures proposed to protect this site, no significant impact will result and the measures shall be implemented by conditions.

In accordance with the recommendation of the Planner, a notification to grant permission issued.

4.2.2. Other Technical Reports

Roads Section - no objections subject to conditions.

Environment Section - no objections subject to conditions

4.3. Prescribed Bodies

TII – concerns raised about access onto the national road.

NPWS – further information required.

4.4. Third Party Observations

A third party objection refers to the previous application that was refused, quarrying will impact water supply, blasting takes place and this is a nuisance, peat slides take place, lack of clarity if the development is in accordance with ABP ref 07.SU.0069 (working area 1.9 or 3.9 Hectares).

5.0 Planning History

5.1. Site

- 5.1.1. PA ref 20/828 – Permission refused to extract rock from 1.9 Hectares that was previously subject to rock extraction. Five reasons.
- 5.1.2. ABP ref: 07.SU.0069 (PA Ref: QSP31) - Application for Substitute Consent by Martin Mannion care of Paul Neary of Stonehall, Foxford, County Mayo in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion of section 57 of the Planning and Development (Amendment) Act, 2010, as amended. In accordance with section 177K of the Planning and Development Act, 2000, as amended, GRANT substitute consent. 21/12/2018.
- 5.1.3. ABP ref: 07.QD.0024 (PA ref QSP31) – Refuse Permission. Martin Mannion care of Earth Science Partnership (Ireland) Limited of Tonranny Westport, County Mayo made an application to An Bord Pleanála, pursuant to section 37L of the Planning and Development Act, 2000 as amended, to further develop a quarry at Lettershea, County Galway in accordance with plans and particulars lodged with the Board. 21/12/2018.
- 5.1.4. ABP ref 07.QV.0050 – QSP31 reference, no need for an EIAR.
- 5.1.5. PA ref QSP31 – Notice granted, EIA and AA required.
- 5.1.6. ABP ref 07.QC2199 – reference, condition 1 appealed. Site area 22.768 Hectares, current extraction 2.543 Hectares, condition 1 reinstated 5 Hectare extent and no excavation above the 120 metre contour line. July 2008
- 5.1.7. PA ref QRY 31 – pre 64 quarry, site registered and conditions imposed.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The **Galway County Development Plan 2022 -2028** is the operative statutory plan for the area. The appeal site is located on lands within the upland bog landscape and with a sensitivity rating of Iconic, maps 8.1 and 8.2 of the development plan refer.

Relevant parts of the development plan include:

Section 4.14 Mineral Extraction and Quarries

MEQ 1 Aggregate Resources

MEQ 2 Protection of the Environment

MEQ 4 Landscaping Plans

In relation to quarries the Council will take full account of the following DECLG guidelines Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004 (including any updated/superseding document).

DM Standard 18: Extractive Development

The following details shall be considered central to the determination of any application for planning permission for extractive development:

a) Guidelines

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

b) Land Ownership

The extent of land ownership. Details should be submitted showing the proposed site in relation to all lands in the vicinity in which the applicant has an interest.

c) Deposits

The nature of all deposits. Details to be submitted to include: depths of topsoil, subsoil, over burden and material, at various points on the site; an indication of the type of minerals, which it is intended to extract; a statement as to whether the parent rock from which the mineral is extracted is suitable for other uses; and the estimated total quantity of rock and mineral, which can be extracted commercially on the site.

d) Methods

The methods of excavation and machinery to be used. Details to be submitted to include all proposed site development works, including; the proposed method of working; any existing or proposed areas of excavation; stages of work proposed; locations of any settling ponds, waste material and/or stockpiling of materials; methods for removing and storing topsoil, subsoil and overburden; etc.

e) Production

The quantification of production in a given time. Details to be submitted to include the proposed production process to be employed, all requirements for water, electricity and/or other inputs to the production process and any proposals for chemical or other treatments.

f) Mitigation

Methods to reduce environmental impact. Details to be submitted to include an assessment of potential impacts on water resources, residential and visual amenity (including noise, dust and vibration impacts), biodiversity and any other relevant considerations together with appropriate proposals for their mitigation.

Proposals for development, where appropriate should be accompanied by:

- A Surface Water Baseline Study of water courses in the vicinity of the site;
- A Hydro-Geological Assessment of the impact of groundwater flows in the area and the impact of well waters supplies in the area.

g) Access

Vehicle routes from site to major traffic routes and the impact on the adjoining road networks. Details should be included on the mode, number and weight of trucks or other vehicles being used to transport materials and any truck sheeting or washing proposals.

The Council may require a Traffic Impact Assessment and Road Safety Audit (to be prepared by an approved assessor) for all new development. The Council may require a Special Contribution in accordance with Section 48 of the Planning and Development Act, 2000, as amended, for upgrade/improvement works along the route corridor of the quarry, to facilitate the proposed development.

h) Rehabilitation

A scheme of rehabilitation and after care. Details to be submitted should include a report with plans and sections detailing: the anticipated finished landform and surface/landscape treatments, both of each phase and the whole excavation; quality and condition of topsoil and overburden; rehabilitation works proposed; the type and location of any vegetation proposed; proposed method of funding and delivery of restoration/ reinstatement works; etc.

The Council will require that all proposals for development are accompanied by a detailed restoration plan and aftercare proposals which shall be progressed on a phased basis. The restoration plan shall ensure the landscape is restored with regard to its original character and with reference to the Landscape Character Assessment for County Galway and as incorporated within Appendix 4 of this plan. The restoration plan shall be accompanied by a detailed costing of the work by a qualified quantity surveyor.

The Council will apply a bond, as appropriate for the satisfactory completion of the restoration works. The site may be adapted for a variety of uses depending on the level of extraction and shall be in agreement with the Planning Authority and consideration of the local community.

i) Environmental Impact Study (EIS)

Any Environmental Impact Study including any remedial EIS required by statute. An EIS should ensure that all impacts in relation to heritage, environment, biodiversity, groundwater protection, etc are clearly addressed and appropriate mitigation measures are included.

j) Proximity

Proximity to other developments. Details to be submitted to include location of all existing developments in the vicinity of the site that might be affected by site development works, extractive operations and/or traffic movements generated.

k) Landscaping and Screening

Landscaping and screening proposals. Details to be submitted to include an indication of existing trees or other screening to be retained or removed and any proposed screening, grassing or planting of trees or shrubs and proposals for their maintenance.

l) Heritage and Biodiversity

Proposals in relation to heritage and biodiversity would include any recommendations for the site to be considered as part of the geological heritage of the County and any proposed measures with regard to the protection and promotion of the environment and biodiversity, including any proposals for rehabilitation. The Council will require an Ecological Impact Assessment for all proposals within or in the vicinity of an SPA, SAC or NHA. Where a quarry development falls within a conservation designation, the developer is advised to consult with the DECLG prior to making an application. Evidence of such consultation should be submitted to the Planning Authority at application stage. It shall also be a requirement that all new proposals that are likely to have an impact on SAC or SPA shall be screened for the need to undertake a Habitats Directive. The Council will require that the operator of the quarry shall put in place an Environmental Monitoring System, to monitor all environmental standards (noise, dust, blasting etc.) on an on-going basis.

m) Security of the Site

Security boundary/fence. Full details regarding securing the perimeter boundary of quarries shall be submitted and agreed by the Planning Authority as part of the planning process.

National Planning Framework (NPF)

National Policy Objective 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm

activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

6.1.2. Other relevant national guidelines include:

- Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004.
- Carrying out Environmental Impact Assessment, Guidelines for Planning Authorities, August 2018.
- Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities, February 2010.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Natural Heritage Designations

6.2.1. The closest designated sites are the Connemara Bog Complex SAC (site code 002034) and the Connemara Bog Complex SPA (site code 004181) located to the south at a distance of 100 and 120 metres respectively. The Twelve Bens/Garraun Complex SAC (site code 002031) is located 500 metres to the north. The applicant has submitted an NIS with the application.

6.3. EIA Screening

6.3.1. See appendix 1 and section 8.5 of my report.

7.0 The Appeal

7.1. Grounds of Appeal

A third party has appealed the notification to grant permission issued by Galway County Council and can be summarised as follows:

- Quarry unauthorised – the quarry may be registered, but the owner applied directly for substitute consent under section 261A of the PDA. No details of the registration under either 261 or 261A are on file. Another application was made to ABP under section 27L and was refused. The EIA Screening Report refers to parts of the quarry being pre-1963 and the planning report notes

intensification between 1995 and 2013 with 2.5 Hectares being extracted (2013). It is not clear what areas have the benefit of substitute consent, note map 5.

- Invalid Application – though the application is for an extension of quarrying activity, in reality it is for retention, EIA is required and permission cannot be granted, C-215/06 refers. Section 37L applications must be made to the Board in the prescribed form. The PA cannot grant permission for an activity that must go straight to the Board.
- Documents not in order – because the application has not been made in the correct way, each document within the ordinary planning application is invalid as follows: incorrect planning application form, advertisement and site notices incorrect, supporting documents and disclosures invalid and made in error and the full planning history of the site is not disclosed. The PA should have refused to accept the application.
- Planning considerations applied are invalid – the PA take the County Development Plan as the primary document in order to frame the assessment when the Quarry Guidelines are more appropriate. Given the complexity of the application and the environmental considerations necessary, the PA's conclusions are ultra vires and invalid. Even though AA is identified, no further information is requested and EIA has not been carried out. The nature of the development requires the submission of an EIAR, Class 2(b) of Part 2 of Schedule 5 of the PD Regs and sub threshold screening required. Schedule 7 and Schedule 7A information has been submitted (EIA Screening Report dated November 2022), and the PA conclusions noted. The decision of the PA is at variance with previous Board Reports and decisions, if granted the action would be irrational and contrary to common sense.
- EIAR Required – previous considerations and decisions by the Board raised significant adverse environmental impacts and negative adverse impacts to designated sites. Case law (An Taisce) is set out and the site area of the site is set at 22.768 Hectares, in excess of the 5 Hectare threshold that triggers the need for an EIAR. Development has carried on without EIA or AA, potable pollution and the location within an NHA were never considered at all.

- AA not addressed – the Department previously concluded that the information contained in the applicants documentation did not adequately address their concerns, particularly given the location of the site within the boundary of the Twelve Bens/Garraun Complex pNHA and adjacent to the Connemara Bog Complex SAC. The Board concluded that it could not be excluded and significant effects may result. Nothing in this application meets the test identified in Kelly v An Bord Pleanála 2014 IEHC 400.
- Statutory Consultee's submissions – the report from the Department of Housing, Local Government and the Environment December 2022, states the site is adjacent and hydrologically connected to a designated site. The site discharges into the Derryhoraun River within the Connemara Bog Complex SAC, annual water quality monitoring should take place, Q-value and chemistry monitoring. This should be agreed before consent is given and allow for intervention if needed.

An Taisce submission December 2022, legal status of previous rock extraction requires clarity and a 25 year permission is undesirable. This submission was not recorded in the Planning Report

TII – the proposal is at variance with national policy and if permitted would adversely affect the operation and safety of the national road network on account of the maximum speed limit applies, increase in the generation of traffic on an unimproved section of national road and result in a traffic hazard.

The depth of analysis in the Planner's Report is criticised and does not reflect the opposition raised by statutory consultees.

- Site Context – the proposed development has been identified as a traffic hazard by TII. With reference to dust/noise, a report from the Environment Section is referenced but does not appear on file. Traffic collisions are not recorded correctly, and neither are the number of quarries in Connemara. Traffic has intensified at the site, 10 loads per day (EIAR) to 18 loads per day Road Safety Assessor (page 12 table 1). Traffic volumes have been counted at 4 vehicles per hour, there will be intensification.

Noise/dust/vibration, none of the reports present a scientific or historic analysis of any of these issues on site. Un-notified blasting occurs, dust

pollution and a peat landslide have all occurred. The proposed development is not in accordance with the conservation policies contained in the County Development Plan. The site is highly visible in a landscape with Iconic status. The site is not in compliance with the Safety Health and Welfare at Work (Quarries) Regulations 2008.

The appellant concludes that the proposed development should be refused because it would adversely affect a designated site, the increase in traffic would lead to a traffic hazard, noise/dust and degradation of the landscape and environment would result in a scheme that would materially contravene development plan policies that seek to protect the environment.

7.2. Applicant Response

7.2.1. The applicant has prepared a response to the grounds of appeal and can be summarised as follows:

- Personal circumstances are outlined.
- From sole trader to company, Carraig Chonamara Teo trading as Mannion Quarry and Plant Hire.
- Regulations and stipulations set by local authority and ABP have been followed, and as suppliers to Galway County Council we are in full compliance with the PDA.
- Under Section 261 the quarry was registered with Galway County Council, QR31 refers.
- Application for substitute consent (07.SU.0069) was made to ABP in 2018. At the same time an application under Section 37L was made but refused, 17.QD.0024 refers. The principle of further quarrying was accepted but obstacles remained. The outstanding issues from 17.QD.0024 have been resolved in this current application. In addition, a water discharge license has been approved, W/500/21 and addresses all water management measures on site. Monitoring plans are in place and relevant experts consulted and an NIS prepared.

- No enforcement action has been taken against the quarry and neighbours support the development, letters of support are submitted.

7.3. Planning Authority Response

None.

8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues as they have been raised and ordered in the grounds of appeal can be dealt with under the following headings:

- Quarry Authorisation
- Application Invalid (Documentation)
- Policy Context
- Need for an EIAR
- Statutory Consultees
- Quarry Operations and Traffic
- Other Matters
- Appropriate Assessment

8.2. Quarry Authorisation

- 8.2.1. The appellant has questioned what parts of the quarry have authorisation to operate. Confusion surrounds the reasons behind registration, substitute consent, 27L (I take this to mean section 37L) application, pre 1963 and the current application for permission. In my mind this is more of a statement rather than an actual objection to the proposed development. However, it is useful to understand the planning history of the site and the rationale for the current application. The planning authority have set out the planning history of the site and section 5 of my report does likewise, but for clarity I set out my understanding of the quarry operations as follows:
- 8.2.2. At some point prior to 1964 quarry operations begin and led to the requirement to lodge registration of a pre 64 quarry, PA reference **QRY 31** refers. The quarry was registered and conditions were imposed.
- 8.2.3. ABP ref **07.QC2199** – the applicant appealed condition number 1 of the 14 conditions attached by the PA to the quarry registration. The overall site area amounted to 22.768 Hectares, the extraction at that time was 2.543 Hectares, condition 1 was modified to read as follows:

The total area of quarry hereby registered shall not exceed five hectares in extent which shall be contiguous with the existing quarry and shall not extend above the 120 metre contour as indicated on the longitudinal section and site layout map submitted to the planning authority on the 10th day of June, 2005. Details in this regard shall be submitted to the planning authority for written agreement within six months of the date of this order.

Reason: In the interest of preserving the quality and character of the rural area.

8.2.4. The Order was dated the 18th July 2008.

8.2.5. ABP ref **07.QV.0050 – QSP31** reference case, no requirement for an EIAR. - Under the provisions of Section 261A(2)(a) Galway County Council determined that development was carried out post 1990 and was development of a nature which would have required a determination in relation to EIA but that such a determination was not made. Furthermore under the provisions of Section 261A(2)(a)(ii) the Council also determined that development was carried out after the 26th February 1997 which would have required an Appropriate Assessment but such an assessment was not carried out. The Council also decided that the quarry commenced operation before the 1st October 1964 and that the requirements in relation to registration were fulfilled and therefore the owner/occupier of the quarry is directed to apply to An Bord Pleanála for substitute consent in respect of a quarry under Section 177E for a remedial EIS and a remedial Natura Impact Statement.

8.2.6. ABP ref: **07.SU.0069** (PA Ref: **QSP31**) - Application for Substitute Consent by the applicant in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended. In accordance with section 177K of the Planning and Development Act, 2000, as amended, the Board decided to grant substitute consent, subject to five conditions. The Order was dated the 21st December 2018.

8.2.7. ABP ref: **07.QD.0024** (PA ref **QSP31**) – Refuse Permission. Application was made to An Bord Pleanála, pursuant to section 37L of the Planning and Development Act, 2000 as amended, to further develop a quarry at Lettershea, County Galway in accordance with plans and particulars lodged with the Board. The Order was dated the 21st December 2018. The applicant's route to expand quarry operations in this

format were blocked by the Board and permission to extend the quarry was refused. This proposal more or less corresponds to the appeal site now before the Board.

- 8.2.8. PA ref **20/828** – Permission refused to extract rock from 1.9 Hectares that was previously subject to rock extraction. Five reasons.
- 8.2.9. In summary, I can see from the planning history available to me on file and from the Board's own records that the quarry existed before 1964 and has operated on a continual basis since that time. The entire quarry was registered with the planning authority and the requirement for an EIS was not accepted by the Board, however, the need for AA was required. Subsequently, that portion of the site that been worked post February 1990 was granted substitute consent and a remedial AA was carried out. To be clear, the southern portion of the quarry is registered and the northern portion, that is the subject of this appeal has received substitute consent (1.9 Hectares). The applicant now wishes to resume quarrying of rock at this northern portion of the site and this forms the basis of the current application, the previously refused planning application and the unsuccessful section 37L application.
- 8.2.10. I am satisfied that the correct procedures have been followed in the journey to regularise operations at this quarry. The requisite planning consents are in place as required by the Planning and Development Act 2000 (as amended) and after being refused permission by the Board to continue rock extraction at the northern portion of the site, the applicant has applied for permission locally with the planning authority and that permission is now on appeal.

8.3. Application Invalid (Documentation)

- 8.3.1. The appellant understands that the quarry does not have permission and that the planning application should be for retention, not an extension. In that context, the appellant believes that EIA is required and permission cannot be given unless a direct application to the Board under section 37L is made. Thus, the format of the application is invalid and all supporting documentation is faulty, specifically, public notices, application form and incomplete site planning history.
- 8.3.2. At section 8.2 above, I have explained the detailed planning history of this quarry and concluded that the requisite consents are in place. I note that the planning authority agreed to accept the current application to extend quarry operations and validated the planning application in accordance with the requirements of the

Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). I am satisfied that the planning application to continue quarry operations at this location has been made in good faith, having exhausted all other avenues firstly with the Board for further development, then the planning authority and now the Board on appeal.

- 8.3.3. The applicant has now lodged a planning application for an extension to a regularised quarry, that application received a notification to grant permission by the planning authority and is now before the Board on appeal. I am satisfied that all relevant and required documentation have been submitted in the established and correct format. There are no other methods open to the applicant for consent of the scale proposed, other than through the normal planning application process, with which the appellant has been actively engaged with.

8.4. Policy Context

- 8.4.1. The appellant argues that the planning authority applied the wrong policy context in which to assess the application. According to the appellant, Quarries and Ancillary Activities Guidelines for Planning Authorities 2004 is the primary document to refer to, not the County Development Plan. Other matters to do with EIA and AA are raised in this section of the grounds of appeal, but I examine those later in this report.
- 8.4.2. Firstly the 2004 Quarry Guidelines are relevant up to a point as they guide the policies that should be included in a Development Plan. The guidelines also provide advice in relation to the environmental implications, assessment if an EIS has been prepared and finally the implementation of section 261 of the PDA Act. The Galway County Development Plan 2022-2028 and was adopted by the Elected Members of Galway County Council at the conclusion of the Special Meeting on the 9th of May 2022 and came into effect on the 20th of June 2022. I note that the development plan was subject to a Ministerial Direction under section 31 of the Planning and Development Act 2000 (as amended) all zonings, policy objectives and additional provisions which were the subject of the Direction have been amended and none relate to quarrying activity in general or this application site in particular.
- 8.4.3. Section 1.6 of the development plan sets out a statement to demonstrate that the plan is in accordance with the provisions of the Planning and Development Act 2000 (as amended), and confirms:

How the planning authority has implemented the policies and objectives of the Minister as set out in the guidelines when considering their application to the area or part of the area of the Development Plan

- 8.4.4. In this context, the accompanying table in section 1.6 identifies that the role and impact of quarries has been considered and incorporated into the development plan in accordance with the Quarries and Ancillary Activities (2004) Guidelines. Furthermore, Chapter 4 Rural Living and Development sets out policies and objectives under section 4.14 Mineral Extraction and Quarries. This section underlines that in considering development applications relating to existing or proposed quarries, the Council will take full account of the following DECLG guidelines Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004 (including any updated/superseding document). There has not been a document recently published to supersede the 2004 guidelines. In addition, the development plan states that the development of new quarries will be strictly controlled in areas of high landscape value, in areas of significant archaeological potential, on European Sites, Natural Heritage Areas (NHAs), Nature Reserves or other areas of importance for the conservation of flora and fauna and development shall also have regard to the requirements of the EU guidance document Undertaking Non-Energy Extractive Activities in Accordance with Natura 2000 Requirements. Finally, Policy Objective MEQ 2 Protection of the Environment properly identifies the need for compliance with the requirements of the EU Habitats Directive, the Planning and Development (Amendment) Act 2010 and by the guidance as contained within the DoEHLG Quarries and Ancillary Facilities Guidelines 2004, the EPA Guidelines 'Environmental Management in the Extractive Industry: Non Scheduled Minerals 2006 (including any updated/superseding documents) and to DM Standard 19 of the current Development Plan.
- 8.4.5. Within this context, I consider the proposed development to be in accordance, in principle, with the policies of the County Development Plan, which facilitate the development of the industry and the sustainable development of rural areas as required by NPO 23 of the National Planning Framework. This is however, subject to further consideration of the likely impacts of the proposed development on local residents, on the environment, on traffic, as well as the broader principles of proper planning and sustainable development. These issues are addressed in the following sections of this report.

8.4.6. Given the forgoing, I am satisfied that the planning authority correctly considered the planning application before them in the context of the County Development Plan. All the relevant policies and objectives that refer to quarries and the environment have been correctly applied. In addition, in my assessment of this appeal, I have had close regard to the policies and objectives articulated in the current plan as they relate to quarrying and the environment. Finally, I am satisfied that the intended purpose of the Quarry Guidelines 2004 to inform the aims, strategy and development control objectives of the current development plan have all been correctly applied.

8.5. Need for an EIAR

- 8.5.1. The appellant notes that previous considerations and decisions by the Board raised significant adverse environmental impacts and negative adverse impacts to designated sites. The applicant refers to case law (*An Taisce*) and notes that the site area of the quarry is set at 22.768 Hectares, this in excess of the 5 Hectare threshold that triggers the need for an EIAR. Development has carried on without EIA or AA, potable water supply pollution and the location within an NHA were never considered at all.
- 8.5.2. Section 8.2 of my report sets out in detail the planning history associated with the site and I am satisfied that the correct consents are all in place. The applicant now wishes to resume quarrying activity on the upper portion of the site, having been refused permission to further develop a quarry pursuant to section 37L by the Board and refused planning permission by the planning authority. Correctly, the applicant has applied for planning permission under section 34 of the Planning and Development Act 2000 (as amended) to extend the quarry and this is now before the Board on appeal.
- 8.5.3. In this instance, whether an EIAR is required is determined by a variety of factors, such as the class of development and its scale if it falls below a certain threshold. The current planning application is for the continuation of quarrying activities, the extraction of rock, over an area of 1.9 Hectares that has already been quarried down to a level of 48 metres above datum. The overall area of the quarry (disturbed areas amounts to 3.8ha). The extraction of rock will be undertaken by blasting down to a level of 36.4 metres above datum, and this constitutes the 1.9 Hectares of area the subject of the appeal.

8.5.4. The excavated area is below 5 hectares and previous determinations by the Board on this case stipulate that the extracted area of the quarry cannot exceed 5 hectares. Note that quarrying commenced prior to 1964 and a proportion of the lower bench not the subject of this application was excavated prior to 1990 and would therefore be excluded for the purposes of assessing EIA requirements.

8.5.5. In terms of the requirement under Article 93, Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) which relates to Extractive Industry and part (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares, and para 13. Changes, extensions, development and testing, part a) refers as follows:

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
- (ii) (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.*

8.5.6. The development would not move to a class of development in Part 1, it would remain an extractive industry. The proposed extraction area of 1.9 Hectares would not amount to an increase in size by a magnitude of 25% and would be less than 50% of the appropriate threshold, i.e. less than 5 Hectares.

8.5.7. The applicant has submitted a report entitled 'Environmental Impact Assessment Screening Report' and this includes Schedule 7 criteria and assessment. The report concludes that an EIAR is not required. The development is of a class but sub-threshold, a pre-screening exercise must be carried out as to whether EIA can be ruled out at a high level where the proposal is relatively limited in terms of its size and nature and does not have the potential to affect an environmentally sensitive location. I concluded that likely significant effects on the environment can be excluded on the basis of a preliminary examination, a formal Screening Determination is not required, appendix 1 of my report refers. This is a case where the application was made for sub-threshold development (i.e. development that is of

a class), the applicant selected to submit Schedule 7A information, including the following reports and assessments:

- Environmental Report
- Environmental Impact Assessment Screening Report
- Traffic Impact Assessment Report
- Peat Stability Assessment Report
- Invasive Species Management Plan
- Ecological impact Assessment Report
- A Landscape and Restoration Plan
- Natura Impact Statement

8.5.8. Notwithstanding the submission of Schedule 7A material and having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a formal screening determination is not required.

8.6. Statutory Consultees

8.6.1. The appellant is not satisfied that the submissions made by the Department of Housing, Local Government and the Environmental (Development Applications Unit also referred to as the NPWS), An Taisce and Transport Infrastructure Ireland, have been adequately addressed or taken into account by the planning authority. The applicant is critical of the planning authority's methodology regarding statutory consultee submissions and is concerned that the issues raised by them have not been adequately dealt with. Specifically, the appellant states that any annual water quality monitoring should take place and allow for intervention if needed, the legal status of the quarrying activity should be established and the increase in the generation of traffic on an unimproved section of a national road would result in a traffic hazard. All of these matters are addressed by me in the relevant sections of this report, though I have not located a submission from An Taisce and it is not recorded as being present on the planning file by the PA. However, I am satisfied

that the planning authority took all reasonable steps to incorporate the advice received from statutory consultees, sought further information where necessary and attached specific conditions to the notification to grant permission. No further action is required or warranted with respect to this aspect of the appellant's grounds of appeal.

8.7. Traffic and Quarry Operations

- 8.7.1. Traffic - The appellant has raised concerns with regard to the traffic implications of the proposed development and the N59. In this respect the appellant highlights that traffic collisions are not recorded correctly, and neither are the number of quarries in Connemara. It is the appellant's view that traffic has intensified at the site, from 10 loads per day (EIAR) to 18 loads per day detailed in the Road Safety Assessor report (page 12 table 1). The planning authority sought further information to establish the traffic implications around the intensification of quarrying activities on site and the N59. The planning authority also required the applicant to address the concerns raised by TII and were satisfied with the information received and as addressed by conditions 1 and 7 of the notification to grant permission. Despite the submission of additional information concerning traffic and conditions that restrict the intensification of development and traffic movements on and off the site, the appellant is still against the proposal on traffic grounds.
- 8.7.2. The proposal to continue rock extraction across 1.9 Hectares of the site will utilise an existing entrance on to the N59. The application explains that this entrance has been in operation for a number of years and no new entrance is proposed. The Environmental Report submitted with the application details that the current annual output is 50,000 tonnes and this translates as 10 loads per day. The applicant prepared a Traffic Impact Assessment (TIA) that illustrates and details the available sight lines in both directions. The character and geometry of the road is explained, specifically that the reverse curves on the approach from the Clifden side acts to provide a natural traffic calming effect. Irrespective, the TIA shows that sight lines in excess of those required are already achieved at the entrance to the site. I observed the site visibility in both directions, the behaviour of passing traffic and movements to and from the site on the days of my site visits. Section 1.9 of the TIA provides traffic count data for Wednesday 19th January 2022, site access/egress as well as passing traffic along the N59, table 1 of the report refers. The table shows that the quarry generated 36 traffic movements in and out of the quarry during an eight hour period.

Section 2 of the TIA examines in detail the road design aspects of the N59 in the vicinity of the quarry and its consequences on design speed and traffic calming. Section 3 examines road collision history and between 2005 and 2016 (available online data) no accidents were reported in the vicinity of the quarry entrance. The overall conclusion of the TIA is that given the lack of intensification of quarrying activity on the site, traffic volumes will not increase and the existing entrance provides a safe access/egress point for traffic generated.

- 8.7.3. Transport Infrastructure Ireland (TII) were consulted by the planning authority and a submission dated the 13th December 2022 issued. TII considered that the proposed development was contrary to national policy with respect to national roads. The operation and safety of the road would be affected given that the maximum speed limit applies, the resultant intensification of traffic and at a section of unimproved national road where a traffic hazard could result. The appellant notes the submission by TII and is critical of the planning authority's approach to summary and analysis of the submission. I disagree, the planning authority had due regard to the submission by TII and item 3 of the request for further information specifically refers to the issues raised by TII. The applicant prepared a response to the further information requested and explains that the proposed development is to deepen an area of the quarry granted substitute consent, overall operations will not increase. The rate of extraction and traffic will be at the same rate as before, no expansion in terms of traffic is proposed, the quarry site owns three trucks. Appendix 4 of the applicant's further information response explains in detail that the operations at the quarry are not set to increase, the rate of extraction will remain the same and traffic movements will not increase. The development proposed is in line with Spatial Planning and National Roads guidelines, no new entrance is proposed, effective speeds at the entrance have been calculated at less than or equal to 60kph, the schist quarry is of strategic importance and has been in operation since before 1964. The site is located at a lightly trafficked section of the N59 and traffic count data and traffic volumes calculated for the N59 Clifden to Maam Cross Road Improvement Scheme demonstrate this.
- 8.7.4. In detail the applicant responds to TII's and the planning authority's concerns about traffic movements and intensification, it is explained that even with 4 vehicles per day over an eight hour day results in 40 movements. This would amount to 4% of the threshold of 1,000 movements that would trigger a TIA. The planning authority

accepted this information and required that traffic does not increase, that traffic be monitored and ultimately that traffic movements should not exceed 36 movements per day (0800-1700) and less than 4.5% of the overall network capacity of the N59 at this location.

- 8.7.5. From my observations of the site on two separate days, I observed very few traffic movements in and out of the site and the N59 was also lightly trafficked. Obviously my experience of the traffic implications of the site are extremely limited but they do tally with the findings of the TIA with reference to traffic movements and flows. The quarry has been registered and has the benefit of substitute consent for works already carried out. At present the quarry operates at a low intensity and this is reflected in the 36 vehicle movements on and off the site during a normal business day. The applicant is emphatic that operations will not increase intensity and so traffic movements will remain the same. The assertions of the applicant with reference to intensity are mirrored in their request for a 25 year permission. The planning authority are satisfied that this is the case and to ensure traffic movements do not increase, monitoring and a cap on movements is required.
- 8.7.6. Given the long history of quarrying at this location and the uninterrupted low intensity of use over the years, it would be unreasonable to refuse permission on the basis of national guidelines regarding national roads. This is an operational quarry and the drawings and documentation submitted by the applicant demonstrate that adequate sight lines can be achieved on a section of road where traffic is calmed, and design speeds are lower than on improved sections of this road elsewhere. In addition, the guidelines refer to the intensification of existing accesses to national roads and that this gives rise to the generation of additional turning movements that introduce additional safety risks to road users. This is not the case in this instance and together with a condition to monitor and restrict traffic movements to existing levels, I am satisfied that permission can be given that would not endanger safety or lead to a traffic hazard.
- 8.7.7. Quarry Operations – The appellant is critical of the applicant's reports with respect to noise/dust/vibration implications of the proposed development, it is their opinion that none of the reports present a scientific or historic analysis of any of these issues on site. The appellant is also affected by the adverse impacts of un-notified blasting, and concerns about dust pollution and peat landslides in the past. In the appellant's opinion all of these concerns are not in accordance with the conservation policies

contained in the County Development Plan. The site is highly visible in a landscape with iconic status.

- 8.7.8. The planning authority required further information with respect to dust emissions and possible impacts to designated sites and were satisfied with other submissions with reference to noise and vibrations. Conditions 4, 5, 6 and 11 of the notification to grant permission, comprehensively address noise, dust, vibration and blasting aspects of the quarry operations. The appellant views all of these measures as unsatisfactory. The applicant prepared a variety of documentation to support the application to continue quarrying activity on site, including the following reports and assessments: Environmental Report, Environmental Impact Assessment Screening Report, Peat Stability Assessment Report, Invasive Species Management Plan, Ecological impact Assessment Report, A Landscape and Restoration Plan and Natura Impact Statement (NIS). I have already explained that an EIAR is not a requirement for the development as proposed, section 8.5 of my report above refers. Nevertheless, the information provided by the applicant provides a variety of environmental information that would be required if a screening determination were necessary, which it is not.
- 8.7.9. With reference to the dust emissions, the reports point to measures to control emissions and extensive monitoring was conducted to establish impacts to designated sites. The Environmental Report sets out in section 7, Air issues, monitoring results are provided by table on page 33 and mitigation measures proposed. The planning authority required further information to establish with certainty impacts to do with dust, as reports prepared by the applicant differ in their findings. Appendix 2 of the applicant's response to further information was prepared by Aster Environmental Consultants Ltd and the author is satisfied that fugitive dust is not an issue and points to other assessments that concluded the same, including the NIS and Ecological impact Assessment Report. It is stated that there are no recommended dust levels for heath or blanket bog habitats and so the TA Luft standard has been applied and met, table 1 Appendix 2 of the FI response refers.
- 8.7.10. With reference to the type of dust that could migrate from the site, the applicant explains that the underlying bedrock is Barnanoraun Schist Formation in the south and Streamstown Schist Formation in the north. Different to alkali dusts from limestone, schist dust from the quarry is acidic and compatible with the overburden and associated vegetation in the area. To put it another way, dust emissions and

migration if it occurs would not impact on the surrounding habitats that sit upon the same bedrock. The report goes on to state that the Twelve Bens Garraun Complex SAC is of low sensitivity and dust deposition would have limited impact. With reference to the Connemara Bog Complex SAC, dust monitoring shows below guideline limits for emissions and an ecological survey shows no impacts. The planning authority accepted all of these findings and issued a notification to grant permission subject to conditions.

8.7.11. The appellant complains that no scientific data has been presented by the applicant but I am satisfied that this is not the case. I can see from the material submitted that monitoring and surveys were carried out. The results and application of available standards demonstrate that dust emissions from the site are not significant and do not adversely impact the surrounding environment. I am satisfied that the proposed development can continue to operate within environmental limits if suitable conditions are applied, such as those that formed the notification to grant permission issued by the planning authority. The appellant may disagree with the findings and conclusions advanced by the applicant, however, no reasoned and scientifically backed counter argument appears in the grounds of appeal. I am satisfied that the applicant has prepared and submitted adequately detailed information to demonstrate the acceptability of continued quarrying activities at this site subject to conditions.

8.7.12. With reference to noise and vibration, section 9 of the Environmental Report examines impacts from noise and vibration. Noise monitoring was carried out, sensitive receptor locations were selected and the characteristics of noise generators was established. Phase 1 of the development was identified as a risk to noise impact as a result of shot hole drilling of upper benches in advance of blasting of between 12 and 16 days per year. As the quarry moves downwards impacts from noise will diminish because the quarry walls effectively become acoustic barriers. Other noise from processing and traffic are within acceptable limits and can be controlled by conditions, it is explained. In terms of vibration, the principal issue is surface wave type vibration from blasting, it is impulsive and short in duration (2 seconds). Vibration control measures are in place, such as explosive charge, the medium between blast and receptor and intervening distance. Historical blasting details from 2020 and 2021 are provided and it is explained that extensive mitigation

measures are in place to minimise impacts, including control of overpressure (air blast).

8.7.13. The appellant, a local resident is not satisfied that noise and vibration measures in the past have been effective, and that future development will be no different. It is understandable that the appellant is not satisfied with the activities carried out on this active quarry and the perceived impacts that they have on their residence and business. Past departures from the constraints of previous permissions are not an issue to debate in the context of this quarry, the planning history of the site is self-explanatory. However, I am satisfied that the data submitted by the applicant and the mitigation measures to be employed can be monitored and effective enforcement action deployed by the planning authority if necessary. On the one hand the quarry has operated in the past, effectively without planning controls other than the responsibilities taken by previous owners. The proposed development seeks to add a layer of environmental controls and monitoring that will minimise and keep within acceptable limits further quarrying at this location. It is for all these reasons, that I am satisfied that permission can be granted, the implementation of measures to monitor and control impacts is essential for safe and responsible expansion of this quarry.

8.7.14. Landscape – the appellant is critical of permitting a quarry at a location where the landscape classification is Iconic. In this respect I note that the quarry has been in operation for over 60 years and its impact on the landscape was present before the landscape was classified. I acknowledge that the area has scenic beauty, and this is recognised by the development plan. The current development plan classifies the area as uplands and bog, that is iconic and with a sensitivity of 4. However, quarry operations as they currently exist have already been permitted and the proposed development is to extract rock within the footprint of the quarry. The wider landscape per se will not be lost to quarry operations, but the existing quarry will deepen and expose bare rockface. I anticipate that together with existing screen planting and planting to be agreed at the end of the quarry's lifespan will assist at reintegrating this moderately sized facility back in to the landscape.

8.8. Other Matters

8.8.1. Other Legislation – The appellant points out that the site is not in compliance with the Safety Health and Welfare at Work (Quarries) Regulations 2008. I do not know if this is the case, but the requirements of other legalisation outside of the remit of planning

cannot form part of this appeal. If there are breaches of Health and Safety legislation, then this is a matter for the Health and Safety Authority (HSA).

8.9. Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive

- 8.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.9.2. 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. 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).

Background to the application

- 8.9.3. The application is accompanied by an Appropriate Assessment Stage 2: Natura Impact Statement (NIS), prepared by Aster Environmental Consultants Ltd and dated October 2022. The application is supported by additional information submitted as further information responses on the 16th February 2023. I note that a standalone Stage 1 AA Screening Report was not prepared and this is because under a previous application to further develop the quarry, permission was refused on the basis that the NIS submitted lacked detail concerning the potential for impacts on the Connemara Bog Complex Special Area of Conservation (Site Code number 002034), ABP reference 07.QD.0024 refers. However, the NIS submitted under this application contains all the components of a screening exercise in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. It contains a description of the proposed development, the project site and the surrounding area. It outlines the methodology used for assessing potential impacts

on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for the sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.

8.9.4. The screening component of the NIS report identified 13 European sites within a 15km radius of the site, table 1 of the report refers. It is stated that because of location, hydrological links, downstream impacts and disturbance impacts to ecological receptors, three sites have been identified, as follows:

- Connemara Bog Complex SAC (site code 002034)
- Connemara Bog Complex SPA (site code 004181)
- The Twelve Bens/Garraun Complex SAC (site code 002031)

8.9.5. Given the distances involved and the lack of connections the other ten European sites were screened out. Issues that were examined included surface water drainage, noise emissions and dust emissions.

8.9.6. The screening report identifies the potential for surface water runoff from quarry activities to be contaminated with sediments and possibly hydrochemical and biological outflows, which may impact the Derryehorraun River, which in the absence of mitigation, could potentially cause impacts on the qualifying interests of the SAC, alone or in combination with other plans and projects. Hydrological impacts to the Twelve Bens/Garraun Complex SAC is discounted on account of a lack of any direct hydrological connection. Peat stability is examined, and it is determined that a peat slide 500 metres away was not connected with quarry operations and invasive species controls are in place. The submitted screening assessment concluded that significant effects on the Connemara Bog Complex SAC (site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031) cannot be ruled out as there is potential for indirect negative impacts by way of surface water contamination and dust deposition. A supplemental report was submitted that addresses issues around dust deposition.

8.9.7. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant

effects of the development alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment

- 8.9.8. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). 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.

Description of Site and Surroundings

- 8.9.9. The quarry is located approximately 100 metres north of the Connemara Bog Complex SAC and SPA and 500 metres south of The Twelve Bens/Garraun Complex SAC in an area of hilly upland bog landscape, and is set back from the public road. The site includes an existing quarry pit which is 3.8 ha in area and extends to a maximum depth of 29.4 OD. The remainder of the site in the ownership of the applicant is upland bog. The lands around the quarry are used for low intensity agricultural purposes, with large areas of open and unfenced bogland. The dominant habitats on site are active quarries and mines, access road, spoil and bare ground. The site does not currently support habitats of ex-situ ecological value for relevant qualifying interests of any Natura 2000 site.
- 8.9.10. The site is underlain by Precambrian Quartzites, Gneisses and Schists (PQGS), with differing bedrock quartzite formations, the local aquifer is designated as poorly productive with groundwater vulnerability rating of 'Extreme'. Quarrying activities at the site have not breached the water table. There is no evidence of karstic features within the proposed quarry expansion area. The groundwater flow direction is southwards from high ground in the north and then southwards.

Brief Description of the Development

- 8.9.11. The applicant provides a description of the project in Section 3 of the NIS. The development is also summarised in Section 2 of my Report. In summary, the proposed development entails the vertical extension downwards of an existing quarry with the benefit of substitute consent that adjoins a S261 Registration quarry

for the extraction of rock at the existing Mannion Quarry. The proposed extension is to the north of the pre-64 quarry and comprises an area of 1.9 ha within a larger landholding, that site area will be excavated to a similar depth as the existing pit. The proposed development involves no change to the extraction method.

8.9.12. Surface water will be contained within the quarry upper floor and then directed to a lagoon in the pre-64 quarry floor. Prior to discharge, flow rates are controlled and water passes through an oil interceptor and regulated by a quarry discharge licence to local watercourses. There will be no extraction below the groundwater table and no abstraction of water. Fuel and oil will be stored in designated bunded fuel shelters outside of the extraction area. Landscaping will include tree planting of native species and the construction of landscaping berms from unconsolidated soil material, which will be graded and vegetated.

8.9.13. 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:

- Contamination of surface water from dust, sediments and hydrocarbons during the operational phase affecting surface water quality.

Habitat loss/fragmentation and/or the disturbance of habitats and species can be ruled out on the basis of distance from a European site and the lack of any suitable habitats within the site to support species for which the sites have been designated.

European Sites

8.9.14. The development site is not located in or immediately adjacent to a European site. In determining the extent of potential effects of the development, the applicant took a precautionary approach in using a 15km radius around the development footprint as a potential zone of influence. It is considered that the potential for connectivity with other European Sites at distances greater than 15 km can be ruled out. The three sites that were included in the applicant's screening exercise were:

- Connemara Bog Complex SAC (site code 002034)
- Connemara Bog Complex SPA (site code 004181)
- The Twelve Bens/Garraun Complex SAC (site code 002031)

8.9.15. The source-pathway-receptor model of impact prediction was employed. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in below.

Connemara Bog Complex SAC (site code 002034)

Site Synopsis - The Connemara Bog Complex SAC is a large site encompassing the majority of the south Connemara lowlands in Co. Galway. The site is bounded to the north by the Galway–Clifden road and stretches as far east as the Moycullen–Spiddal road. The site supports a wide range of habitats, including extensive tracts of western blanket bog, which form the core interest, as well as areas of heath, fen, woodlands, lakes, rivers and coastal habitats.

The site is underlain predominantly by various Galway granites, with small areas along the northern boundary of Lakes Marble, schist and gneiss. The Roundstone Bog area has a diverse bedrock geology composed mainly of the basic intrusive rock, gabbro. An area of rock, possibly Cambrian in age, called the Delaney Dome Formation occurs in the north-west of this area. Gabbro also occurs in the Kilkieran peninsula and near Cashel. The whole area was glaciated in the last Ice Age which scoured the lowlands of Connemara.

Qualifying Interests

Coastal lagoons [1150]

Reefs [1170]

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]

Natural dystrophic lakes and ponds [3160]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]

Blanket bogs (* if active bog) [7130]

Transition mires and quaking bogs [7140]

Depressions on peat substrates of the *Rhynchosporion* [7150]

Alkaline fens [7230]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Euphydryas aurinia (Marsh Fritillary) [1065]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Najas flexilis (Slender Naiad) [1833]

Connemara Bog Complex SPA (site code 004181)

Site Synopsis - The Connemara Bog Complex SPA is a large site encompassing much of the south Connemara lowlands of Co. Galway. The site consists of three separate areas - north of Roundstone, south of Recess and north-west of Spiddal. It is underlain predominantly by a variety of igneous and metamorphic rocks including granite, schist, gneiss and gabbro. The whole area was glaciated during the last Ice Age which scoured the lowlands of Connemara.

The Connemara Bog Complex SPA is characterized by areas of deep peat surrounded by heath-covered rocky outcrops. The deeper peat areas are often bordered by river systems and the many oligotrophic lakes that occur, resulting in an intricate mosaic of various peatland/wetland habitats and vegetation communities; these include Atlantic blanket bog with hummock/hollow systems, inter-connecting pools, Atlantic blanket bog pools, flushes, transition and quaking mires, as well as freshwater marshes, lakeshore, lake and river systems. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Cormorant, Merlin, Golden Plover and Common Gull.

Qualifying Interests

Cormorant (*Phalacrocorax carbo*) [A017]

Merlin (*Falco columbarius*) [A098]

Golden Plover (*Pluvialis apricaria*) [A140]

Common Gull (*Larus canus*) [A182]

The Twelve Bens/Garraun Complex SAC (site code 002031)

Site Synopsis - This is an extensive site situated in the north-west of Connemara in Co. Galway and dominated by mountainous terrain. The site is bounded to the south by the Connemara Bog Complex, to the east by the Maumturk Mountains and to the north by Killary Harbour. Included within the site are the Twelve Bens mountain range, the mountains to the north of Kylemore (Doughruagh, Garraun and Benchoona), rivers including the Ballynahinch and Owenglin systems and an area of coastal heath and machair near Glassilaun. The site also includes some extensive tracts of lowland blanket bog which are continuous with the mountains. Most of the mountain summits reach a height in excess of 500 m, the highest being Ben Baun in the Twelve Bens which reaches 730 m. The site includes a large portion of the Connemara National Park and a Statutory Nature Reserve at Derryclare Wood.

Geologically, the site can be divided into two distinct parts. The Twelve Bens are composed of resistant quartzite with schists in the valleys, while the mountains north of Kylemore are composed of gneiss and various types of sandstones and mudstones. There are also areas of gabbro (Doughruagh and Currywongaun), mica schist (Muckanaght) and marble outcrops (south of Kylemore Lough). The main soil type within the site is peat.

Qualifying Interests

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]

Alpine and Boreal heaths [4060]

Blanket bogs (* if active bog) [7130]

Depressions on peat substrates of the *Rhynchosporion* [7150]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Najas flexilis (Slender Naiad) [1833]

- 8.9.16. The screening report submitted by the applicant ruled out direct impacts in terms of loss or damage to any Qualifying Features of habitats or species on the basis of the distance from the European sites. In terms of indirect impacts, it concluded that the risk of surface water contamination arises from quarrying activities such as sediment laden surface water and hydrocarbons or oils from spillages. There is the possibility that surface water runoff containing dust and/or contaminants arising from the use of the existing access roads could reach the SAC and have effects on the qualifying interests of the site. The potential for effects on QI's of this Natura 2000 site cannot, therefore, be screened out and Stage II Appropriate Assessment is required in respect of the sites outlined above.

In combination effects

- 8.9.17. Given the development type and location, in-combination effects are limited to existing adjacent residential development. There are few permitted developments of scale in the area. I am satisfied that the proposed development in combination with other permitted developments and plans in the area, which in themselves have been screened for AA, would not be likely to have a significant effect on any European Site.

Invasive species

- 8.9.18. The field surveys of the site did not identify any invasive species on the site of the proposed development. It is considered, therefore, that effects on the European sites are not likely to arise as there is no evidence of existing invasive species and no direct pathway linking such plants to the European sites.

Mitigation measures

- 8.9.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

8.9.20. 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 the following European Sites

- Connemara Bog Complex SAC (site code 002034)
- Connemara Bog Complex SPA (site code 004181)
- The Twelve Bens/Garraun Complex SAC (site code 002031)

in view of the site's Conservation Objectives and Appropriate Assessment (and submission of a NIS) is therefore required.

Appropriate Assessment of Implications of the Proposed Development.

8.9.21. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best available scientific knowledge in the field (NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed. I have relied on the following guidance:

- DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, Dublin
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites - Methodological Guidance on Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC.

The following sites are subject to appropriate assessment:

- Connemara Bog Complex SAC (site code 002034)
- Connemara Bog Complex SPA (site code 004181)
- The Twelve Bens/Garraun Complex SAC (site code 002031)

8.9.22. A description of the designated sites are set out in section 4.3 of the NIS with the qualifying interests set out in Tables 2, 3 and 4 of the NIS. I have also examined the

Natura 2000 data forms as relevant and the Conservation Objectives document for the site available through the NPWS website.

Submissions

- 8.9.23. The NPWS prepared a submission that queries aspects of the water monitoring regime associated with the existing and proposed development. The applicant explains that a discharge licence is already in place, but that they will adhere to annual water quality monitoring and take action as required. The appellant is not satisfied that the content and conclusions of the NIS are robust and highlights aspects to do with dust emissions, noise, vibrations and water quality and the likelihood of impacts to designated sites.

Identification of likely effects

- 8.9.24. The Connemara Bog Complex SAC and SPA both lie to the south of the site and a potential pathway via surface water exists to these European sites. Pathways via land and air are considered to be relevant to The Twelve Bens/Garraun Complex SAC.
- 8.9.25. Specifically, the NPWS noted the importance associated with Q value monitoring upstream and downstream and recommend that this should take place every year and include chemistry monitoring and allow for interventions if necessary. With reference to additional information to support the findings of the NIS, reference is made to the existing discharge licence (W500/21) and the requirements therein. Reports prepared as responses to further information (received by the planning authority 16 February 2023) resulted in the applicant consenting to annual testing and reporting procedures.
- 8.9.26. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include:
- Quarry operations have the potential to generate pollutants, which could potentially cause impacts on the qualifying interests of the SAC/SPA.
 - An accidental pollution event and/or the release of dust from quarry operations during the operational phase could have the potential to affect water quality via the surface water drainage which could potentially cause impacts on the qualifying interests of the SAC/SPA.

8.9.27. The introduction of sediment or dust and/or hydrocarbons into the surface water drainage system, which could arise during quarry operations would be likely to have an adverse effect on fish species, should it reach the SAC. Sedimentation would increase turbidity and reduce the oxygen available to fish species. Impacts include delayed maturation, embryo malformation, suppressed gene expression. Reduction in fish numbers would reduce food availability for Otters which frequent the riverbanks. Freshwater pearl mussels, being filter feeders are particularly sensitive to sedimentation as they require well-oxygenated and silt-free substrate. Any increased sediment load could cause the substrate to clog, which would deprive them of oxygen and potentially cause death. Aquatic flora would also be adversely affected by sedimentation and the presence of hydrocarbons, which would reduce light and oxygen availability. It is considered, therefore, that aspects of the proposed development could result in impacts which would adversely affect the integrity of Connemara Bog Complex SAC in view of the conservation objectives of this site.

8.9.28. Section 9 of the NIS, supplemented by further information and a Construction and Environmental Management Plan, prepared detail mitigation measures to be employed, the majority of which are measures relating to the operation at the quarry including:

- Water – a settlement lagoon and oil interceptor area already in place, additional requirements include: spill kits, chemical and fuel areas to be bunded, no fuelling in the application area, staff training, water monitoring as amended by further information received by the planning authority 16th February 2023.
- Sediment Control – topsoil peat removal to avoid sediment contamination of watercourse, berm construction and tree planting.
- Noise control.
- Blasting restrictions.
- Dust control.
- Environmental monitoring of surface water will be undertaken in accordance with the CEMP, which will be agreed in advance of construction with the planning authority.

- 8.9.29. I consider that the proposed mitigation measures are clearly described, are reasonable, practical and enforceable. I am satisfied that the measures outlined fully address any potential impacts on the Connemara Bog Complex, Connemara Bog Complex SPA and The Twelve Bens/Garraun Complex SAC arising from the proposed development and that this conclusion can be made on the basis of objective scientific information.

Cumulative and In-Combination Effects

- 8.9.30. The proposed development, within an existing extraction area, will form a quarry operation commensurate with that already in existence and the cumulative impacts are fully assessed. The existing and permitted development in the vicinity of the site comprises mainly of single dwelling houses. I am satisfied that the proposed development in combination with other permitted developments and plans in the area, which in themselves have been screened for AA, would not be likely to have a significant effect on any European Site.
- 8.9.31. Following the appropriate assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Connemara Bog Complex SAC (site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031) in view of the conservation objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion

- 8.9.32. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Connemara Bog Complex SAC (site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031). Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of its conservation objectives.
- 8.9.33. 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 European Site Connemara Bog Complex SAC

(site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031) or any other European site, in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects. This is consistent with the findings of the submitted NIS.

8.9.34. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Connemara Bog Complex SAC (site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031).

9.0 Recommendation

9.1. Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

10.0 Reasons and Considerations

10.1. In coming to its decision, the Board had regard to:

- (a) the policies set out in the Galway County Development Plan relating to the extractive industry,
- (b) the provisions of the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in 2004,
- (c) the pattern of development in the area,
- (d) the range of mitigation measures set out in the documentation received, including the Natura Impact Statement and Further Information,

- (e) the planning history of the site,
- (f) the submissions made in connection with the planning application and appeal.

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Connemara Bog Complex SAC (site code 002034), Connemara Bog Complex SPA (site code 004181) and The Twelve Bens/Garraun Complex SAC (site code 002031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European Site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's Conservation Objectives.

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

Proper Planning and Sustainable Development:

Having regard to nature and extent of the development, it is considered that, subject to compliance with the conditions set out below, the proposed 1.9 Hectare downwards extension of the existing extraction area would be in accordance with the provisions of the current Galway County Development Plan, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 further plans and particulars submitted the 16th day of February 2023, 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. The duration of permission shall be for a period of 25 years from the date of this Order. The site shall be fully restored within two years of this date unless a fresh grant of planning permission has been made for continued operation.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. No extraction shall take place below the level of the water table.

Reason: To protect groundwater in the area.

4. All mitigation and monitoring commitments identified in the Natura Impact Statement and other particulars submitted with the application and as amended in the Further Information submitted on the 16th day of February 2023 shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

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

5.
 - a. The quarry and all activities occurring therein, shall only operate between 0800 hours and 1700 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturdays. No activity shall take place outside of these hours or on Sundays or public holidays.
 - b. The quarry is restricted to an amount not exceeding 4 vehicle movements per hour during the permitted operation hours as outlined at a) above.
 - c. Sight distance triangles shall be kept free of vegetation or other obstructions.
 - d. No surface water shall be discharged on to the public road or adjoining property.
 - e. No processing (screening and crushing) machinery shall be operated or overburden removal shall be undertaken within any part of the site before 0800 hours on any day.

Reason: In order to protect the residential amenities of property in the vicinity.

6. A comprehensive plan for the restoration of the entire quarry following cessation of the quarrying works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include proposals for re-use of the quarry and measures to ensure public safety therein. The developer shall commence implementation of the

agreed site restoration plan within the area of the site within one month of cessation of extraction in this area and shall have completed this part of the plan within 12 months of commencement.

Reason: In the interests of public amenity and public safety.

7. 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 within three months of the date of this order. This shall include, inter alia, 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 bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) Details of safety measures for the land above the quarry, to include warning signs and stockproof fencing.
 - (f) Management of all landscaping
 - (g) Monitoring of ground and surface water quality, levels and discharges, noise and air emissions.
 - (h) 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.

8. The noise levels generated during the operation of the quarry shall not exceed 55dBA (30 minutes LAR) when measured at the nearest noise sensitive receptor between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays, excluding public and bank holidays. Noise levels shall not exceed 45dBA (15 minute Leq) at any other time. When measuring specific noise, the time shall be any one period during which the sound emission for the quarry is at its maximum level.

Reason: In order to protect the residential amenities of property in the vicinity.

9. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics-Description and Measurement of Environmental Noise Levels as amended.

Reason: In the interests of clarity.

10. a. The frequency of blasting shall not be more than one per month, save in accordance with any revised blasting schedule as may be approved in writing by the planning authority.
- b. Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense and by an independent contractor who shall be agreed in writing with the planning.
- c. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

11. a. Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, when measured in any three mutually orthogonal directions at any sensitive location. 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. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).

- b. 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: To protect the amenities of property in the vicinity.

- 12.
 - a. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
 - b. A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

13. a. The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at monthly intervals for groundwater, surface water, noise and ground vibration.
- b. On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:
- (i) A written record derived from the on-site weighbridge (if present) of the quantity of material leaving the site. This quantity shall be specified in tonnes.
 - (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.
 - (iii) A record of groundwater levels measured at monthly intervals.
 - (iv) A written record of all complaints, including actions taken in response to each complaint.
- c. In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution

or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

- d. Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

14. 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.

15. 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.

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

Stephen Rhys Thomas
Senior Planning Inspector

1 December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316226-23		
Proposed Development Summary	Extraction of rock from an area consisting of 1.9 hectares which was previously subject to rock extraction. The duration of the proposed works is over a 25 year period.		
Development Address	Lettershea, Clifden, Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Y
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		Yes, the development is of a class specified in Part 2, but it does not exceed the threshold.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		Conclusion	
No		Extractive Industry, part (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.	Application area amounts to 1.9 Hectares already in receipt of Substitute Consent. The total quarry amounts to 3.8 Hectares of which 1,9 Hectares represents the application area.
			No EIAR or Preliminary Examination required

			Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.	
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____

Date: _____