An Bord Pleanála

# Inspector's Report

# ABP-317330-23

| | |
|---|---|
| **Development** | Quarrying operations including the extraction of minerals (sand and gravel); recovery of waste via the importation recycling and processing of construction of demolition waste; and the restoration of the site with indigenous and recovered natural materials. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) accompany the application. |
| **Location** | Cloonascragh, Tuam, Co. Galway. |
| **Planning Authority** | Galway County Council. |
| **Planning Authority Reg. Ref.** | 2260819 |
| **Applicant(s)** | McTigue Quarries Ltd. |
| **Type of Application** | Permission. |
| **Planning Authority Decision** | Grant permission with conditions. |
| **Type of Appeal** | Third Party versus decision. |
| **Appellant(s)** | Peter Sweetman. |

| | |
|---|---|
| | Thomas Niland. |
| **Observer(s)** | An Taisce. |
| **Date of Site Inspection** | 3 May 2024. |
| **Inspector** | Stephen Rhys Thomas. |

# Contents

## 1.0 Introduction

1.1. Planning permission is sought for the extraction of sand and gravel as a downward extension of McTigue Quarries Cloonascragh Quarry within an application site of 6.5ha, the landholding comprises 7.11ha. The area was previously subject to sand and gravel extraction and registered under Section 261 of the Act with Galway County Council (Ref. No. QY121), 15 conditions were imposed on the operation of the development. Substitute consent for the quarry was sought and permitted under ABP ref 07.SU.0056 in December 2015.

1.2. The existing pit has a total site area of 12ha, and the applicant's ownership extends to 7.11ha. It is stated that the site is currently dormant, with quarrying ceased in 2014, due to the previous operator entering into liquidation and the restrictions upon development of the substitute consent.

1.3. The extraction phase will see 165,000m3 (c. 264,000 tonnes) of sand and gravel removed to a maximum depth of 34mAOD. No blasting will take place and minerals will be won by screening and washing plant on the site. Extraction will progress northwards across already disturbed ground, no further soil stripping or overburden removal will take place. All development will take place above the water table.

1.4. Importation of inert C&DW to the site via return loads of the existing delivery fleet for processing utilising proposed processing plant and for resale as secondary aggregates. The site will operate at a maximum capacity of 50,000 tonnes per annum with all C&DW arriving via 20 tonne capacity lorries.

1.5. The site will be restored progressively as mineral extraction works northwards over the course of the proposed development, to be used for agricultural purposes.

## 2.0 Site Location and Description

2.1. The appeal site is located 2.5km south of Tuam and lies immediately east of the R347, a regional road between Tuam and Athenry. A distance to the east of the site is a currently disused railway line. Access to the site is directly from the regional road.

2.2. The quarry lies in a flat open landscape. Landscape features include substantial tracts of bog, mature trees and small plantations, stonewalls and scattered rural

development. Notably to the north of the site are the substantial industrial scale buildings associated with operational Moylough Concrete plant. A peat storage facility is located to the south east of the site and is currently in operation. Nearest residential properties lie to the north west of the site. The appeal site is irregular in form, extending south east from the public road.

2.3. The site is slightly elevated above two large areas of cut away bog. Perimeter bunding separates the site from the adjoining lands. Overburden is stored to the north west of the site and remnant lagoons exist along the western portion of the site. At the entrance to the site is an office and a vehicle shed/store. An internal access road leads into the site and there was no evidence of recent workings or machinery/plant on site. There are various heaps of differing grades of mineral materials stored around the site. Vegetation has begun to recolonise the margins of former settlement ponds and the site boundaries.

## 3.0 **Proposed Development**

3.1. The detail of the proposed development can be summarised as follows:

- Quarrying operations including the extraction of minerals (sand and gravel) over an area of 6.5 hectares to a final depth of 34m above ordnance datum, yielding approximately 165,000m3 (c. 264,000 tonnes) of sand and gravel.
- mineral processing activities,
- the loading of materials,
- the transportation of materials from the quarry and all related ancillary works related to the same;
- the recovery of inert waste arising from construction and demolition (C and D) activity via the importation of inert material and the operation of an inert waste recycling facility;
- the recovery of natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste (resultant from the recycling and mineral processing proposed on-site) for the purposes of achieving a beneficial restoration for the site to agriculture.

- Planning permission is sought for a period of up to 10 years.
- The planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

3.2. Further information requested with regards to the following:

- Updated site plan and sections.
- NIS, information sought relating to dust, noise, water usage, a surface water management detail and flood risk assessment and proposed mitigation.
- EIAR – update national, regional and local guidelines and policies.
- Linkage to Lough Corrib SAC and SPA to be clarified.
- Flood Risk.
- Surface water calculations and management.
- Site office floorplans.
- EIAR and EcIA, describe mitigation for Sand Martins and Newts.
- Site restoration plan clarification.
- Lighting details.
- Wheel washing facilities.
- A full account of all activity on-site since 2014.
- Update EIAR with recent traffic survey data.
- Clarify traffic movements on and off the site.
- Address junction visibility.
- Update the Archaeological Impact Assessment with regards to site GA043-046.
- Provide details of the in-situ storage shed building including detailing on any fuel/chemical storage on-site with design drawings showing tanks and bunds.

3.3. Further information submitted did not alter the scope of development sought for permission, but was re-advertised and two further submissions were received.

## 4.0 Planning Authority Decision

### 4.1. Decision

4.1.1. The Planning Authority decided to grant permission subject to 16 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 6.5 Hectares of the site and down to a level of 34m above ordnance datum.

Condition 3 – permission is for 10 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 at a), c) and d).

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.

### 4.2. Planning Authority Reports

4.2.1. Planning Reports

Report 1

- The principle of the proposed land use at this location is deemed acceptable in terms of strategic land use policy context.
- NIS requires further information to enable an AA conclusion.
- EIAR requires additional information.
- Flood Risk requires the submission of a site-specific flood risk assessment.
- Surface water and traffic information required.

In accordance with the recommendation of the Planner, a request for further information issued.

Report 2

- All items of further information were submitted and address the issues raised by the planning authority with the exception of the removal of National Monument GA043-046.

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

4.2.2. Other Technical Reports

Environment Section – further information required.

Roads section – conditions recommended.

## 4.3. Prescribed Bodies

4.3.1. **Environmental Protection Agency (EPA)** – noted that 150,000 tonnes of waste will be filled during the facility's lifetime, a Waste Facility Permit is required under Classes 5 and 7 of Part I of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007. Should a change amount to 200,000 tonnes or more being required during the facility's lifetime, then a waste licence will be required.

4.3.2. **An Taisce** - the 2018 National Planning Framework and regional planning guidelines are most relevant. In terms of unauthorised development, past failure to comply are not addressed. The activities of this applicant at another quarry site under a court stay are highlighted. The applicant’s ongoing activities on the site are queried.

## 4.4. Third Party Observations

4.4.1. Two submissions received and issues raised relate to the following: ongoing quarrying activity and unauthorised development taking place, flooding and water table.

4.4.2. After the submission of further information, two further submissions were received in relation to the assessment of the application and the Planning and Development Act 2000 (as amended), the EIAR and the completion of the EIA and requirements of the Habitats Directive and Water Framework Directive.

## 5.0 Planning History

5.1. Site:

5.1.1. QRY121: The quarry was registered, under Section 261 of the Act with Galway County Council (Ref. No. QY121), and 15 no. conditions were imposed on the operation of the pit.

5.1.2. 07.SU.0056: The quarry was granted Substitute Consent under Section 177E of the Act in December 2015. The consent was granted subject to 6 conditions. The consent area covers an area of c.12ha.

## 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 Council will facilitate harnessing the potential of the area's natural resources while ensuring that the environment and rural and residential amenities are appropriately protected. The Council having regard to the substantial number existing number of quarries within the county has a stated preference for the continued sustainable extraction of these quarries over the development of new greenfield sites. Chapter 4 Section 4.14 Mineral Extraction and Quarries set out the following policies and objectives:

MEQ 1 Aggregate Resources - Ensure adequate supplies of aggregate resources to meet future growth needs within County Galway and the wider region and to facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates, and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses.

MEQ 2 Protection of the Environment - The Planning Authority shall require the following in relation to the management of authorised aggregate extraction;

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

Scheduled Minerals 2006 (including any updated/superseding documents) and to DM Standard 19 of this Development Plan;

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

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

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

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

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

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

MEQ 3 Sustainable Management of Exhausted Quarries - Encourage the use of quarries and pits for sustainable management of post recovery stage construction and demolition waste, as an alternative to using agricultural land, subject to normal planning and environmental considerations.

MEQ 4 Landscaping Plans - Ensure that all extractions shall be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to inert waste and sites shall be authorised under the appropriate waste regulations.

Chapter 15 Development Management Standards Section 15.3.5 Extractive Development (DM Standard 18: Extractive Development) outlines details that shall

be considered central to the determination of any application for planning permission for extractive development and includes guidelines in place, land ownership, deposits, methods, production, mitigation, access, rehabilitation, Environmental Impact Study (EIS), proximity, landscaping and screening, heritage and biodiversity and security of the site.

DM Standard 40: Waste Recovery/Disposition Sites

Planning applications for waste related facilities shall:

•Ensure that the proposed development does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), sensitive landscape areas, visual amenity, geology, heritage or cultural value, or areas at risk of flooding;

•Detail the type, source and volume of waste material to be processed and its method of processing, including hours of operation and duration of permission sought;

•Phasing programme showing the development in layout drawings and site sectional drawings for each phase of development including the restoration of the site;

•Show by the submission of a Traffic and Transport Assessment indicating details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes and that the roads infrastructure in the area can accommodate the proposed development;

•Submit evidence that the proposed development is in accordance with the requirements of the EU Water Framework Directive and associated River Basin Management Plans;

•Ensure that environmental emissions such as noise, fumes, odours, dust, grit, vibration and lighting, along with controls and monitoring of same are adequately mitigated and do not impact significantly upon residences in close proximity to the proposed development;

•Provide for adequate screening of the proposed development through the submission of detailed landscaping plans and boundary treatment proposals; and

•Ensure that sufficient detail is submitted in relation to restoration and remediation measures following cessation of the proposed development, including a timeframe for implementation and anticipated finished landform

6.1.2. National, Regional Policy and Relevant Legislation

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.

EU Waste Framework Directive (2008/98/EC)

This Directive sets out the basic concepts and definitions related to waste management. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products. The Directive lays down some basic waste management principles: it requires that waste be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest.EU Member States are obliged to implement a waste management hierarchy in their waste legislation and policy which prioritises prevention over reuse, followed by recycling, recovery and disposal in a descending order of importance.

EC (Waste Directive) Regulations 2011 (S.I. 126 of 2011)

These Regulations are divided into three main parts. Part 2 sets out the amendments to the Waste Management Act 2006 (as amended) which are required to align Irish legislation with the Waste Framework Directive 2008/98/EC. Part 3 sets out new provisions to give effect to the Waste Framework Directive. Part 4 sets out other consequential amendments to regulations on waste planning, hazardous waste, licensing and collection permits affected by the transposition.

The Connacht-Ulster Waste Management Plan 2015-2021 (CUWMP) - The CUWMP provides a framework for the prevention and management of waste in a sustainable manner in Galway and the other local authority areas. The Connacht-Ulster Waste Management Plan was adopted in May 2015. This plan contains a comprehensive list of policies to achieve the overarching strategy and targets of the plan.

## 6.2. Guidance Documents

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

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place.

Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures in respect of: • Noise and vibration • Dust deposition / air quality • Water supplies and groundwater • Natural heritage • Landscape • Traffic impact • Cultural heritage • Waste management The Guidelines also recommend Environmental Management Systems (EMS) as a quality assurance system to measure a company's operations against environmental performance indicators.

Chapter 4 refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

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

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

6.2.3. Guidelines on the Information to be contained in Environmental Impact Statements' EPA, 2002:

These guidelines provide developers, competent authorities, and the public at large with a basis for determining the adequacy of Environmental Impact Statements within the context of established development consent procedures and also serve to address a wide range of project types and potential environmental issues. The accompanying 'Advice Notes on Current Practice (in the preparation of Environmental Impact Statements, 2003') subsequently provide further detail on many of the topics covered by the Guidelines and offer guidance on current practice for the structure and content of Environmental Impact Statements.

6.2.4. Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018

These guidelines coincide with the making of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the coming into operation of the Regulations on 1st September 2018 in order to transpose the Directive into Irish law. The Guidelines replace Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessment issued by the DoECLG in 2013. The purpose of the guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU.

## 6.3. Natural Heritage Designations

6.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located a kilometre north and a kilometre east of Lough Corrib SAC (site code 000297). The applicant has prepared and submitted an NIS with the application.

## 6.4. Environmental Impact Assessment (EIA)

6.4.1. An Environmental Impact Assessment Report (EIAR) was submitted with the application as the development exceeds thresholds specified under Planning and Development Regulations 2001 as amended Schedule 5 which sets out the categories and scale of development that require mandatory EIA.

6.4.2. The relevant classes/scales of development that normally require Environmental Impact Assessment (EIA) are set out in Schedule 5 (Part 2) of the Planning and Development Regulations 2001, as amended. The relevant class of development in this case relates to: “Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares”, as per Item 2 (b) of the Schedule.

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

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

25) result in the development being of a class listed in Part I or paragraphs I to 12 of Part 2 of this Schedule and

ii) it result in an increase in size greater than –

25 per cent, or

an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.”

6.4.4. The EIAR study area measures 6.5 hectares of total extraction area. The extraction area is greater than 5 hectares is therefore subject to ElA. The applicant has prepared and submitted an EIAR with the application.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

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

- Since the 2015 grant of substitute consent, extraction of materials has continued. The removal of materials is in addition to stockpiles and concerns new ground not quarried before. This is a breach of condition 1 of the substitute consent.

- Quarrying is happening within and without the site, photographs (June 2023) illustrate the point. An enforcement case has been commenced, EN21/126 refers. Quarrying outside the site entail trips through the site by trucks laden with materials. Water is being drained from the new area of extraction and used within the applicant's landholding. These areas are not included in the application, but accommodate works that are not permitted and subject to EN21/126. Water from outside the site is being used within the site and there is no permission for this hence project splitting has occurred. The processing of C and D wate requires a large amount of water and so this additional area from where the water is sourced and vehicles transit should be included in the application boundary, it is not.
- Storage of material from another quarry the subject of a supreme court order appears to be taking place on the site and this would entail additional traffic movements that have been witnessed as the case. Frustration is expressed with reference to Galway County Council's effectiveness when it concerns enforcement.

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

- The wrong test for screening for Appropriate Assessment was used by the planning authority. The correct test is set out in Kelly v An Bord Pleanála (2014) IEHC 400 and detailed in the submission to the planning application.
- Further information submitted by the applicant with reference to hydrological connections was not acceptable.
- The PA assessment of the NIS as updated, does not comply with the requirements of the CJEU as set out in paragraph 44 of case 258/11. In other words the NIS was incomplete in order to allow assessment under the Habitats Directive. The omission refers to the applicant's activities elsewhere, there is scientific doubt about their behaviour on this protected site.
- Prevention of pollution from hydrocarbons and other chemicals is not considered to be mitigation by the CJEU, it is in order to minimise risk.

Spill kits are not mitigation they are to deal with a situation that should not arise.

The need for adherence to protocols for internal contractors shows such measures are not already in place.

- Detailed measures have not been put in place that remove scientific doubt with reference to the effects of the development on the protected site.

7.1.3. In summary, the appellant claims that the NIS is incomplete, contains omissions and lacks scientific certainty, permission cannot be granted.

7.1.4. Lastly, with reference to the Substitute Consent, it is apparent that condition 3 with reference to archaeology was not complied with and this reinforces the view that the applicant cannot be relied upon to implement conditions.

### 7.2. Applicant Response

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

- The NIS was prepared by competent experts and reviewed by the County Council, the NIS is acceptable.
- Hydrology was dealt with by an experienced professional, no information has been given as to what the inadequacies were.
- No actions have been taken against the Belclare Quarry and it is not clear what relevance these have to the application site and its NIS.
- No activity is taking place on the site, substitute consent was granted but this does not permit future development. There is no need for various protocols for the site as development has not and is not taking place.
- With reference to archaeology, it is widely acknowledged that the remains have been removed, compliance with condition 3 is not possible and a submission to the Council states this.
- With specific reference to designated sites a separate report has been prepared to rebut the grounds of appeal that concern AA. The conclusions of

this detailed response is that no lacunae are present in the NIS and all relevant matters have been addressed.

### 7.3. Planning Authority Response

None.

### 7.4. Observations

**An Taisce** – indications on file show significant breaches of planning conditions, the application should be refused or dismissed. Groundwater and surface water is at risk. An Taisce have successfully instituted section 160 proceedings against a different quarry owner and this shows Galway County Council's enforcement failures.

**Environmental Protection Agency** – the proposed activity does not appear to require a Waste Licence under the Waste Management Act 1996 as amended, no comments can be made as to the need for EIA for the development.

## 8.0 Assessment

### 8.1. Introduction

8.1.1. This assessment is based on the plans and particulars submitted with the planning application on the 12th August 2022, unsolicited further information on the 27th September 2022, and as amended by further plans and particulars submitted by way of further information on the 24th March 2023, together with details, submitted throughout the appeal process.

8.1.2. Having regard to the nature of the proposed development, the details submitted with the planning application and appeal documents, together with my site inspection, I conclude that issues arising for consideration should be addressed under the following headings:

- Principle of Development
- Activity on Site
- Archaeology
- Water Management
- Other Matters

### 8.2. Principle of Development

8.2.1. A ten year planning permission is sought for the extraction of minerals (sand and gravel) at a currently closed quarry and all associated uses and activities, as well as for the importation of inert construction and demolition waste (C&DW) for processing and resale as secondary aggregates. The site will then be restored and used for agricultural purposes. The extraction area amounts to 6.5 Hectares and will take place on a sizable portion of the original quarry site. Sand and gravel will be extracted using a 12m excavator and loaded in to dump truck/ HGV. Access to the pit floor will be via a ramp adjacent to a plant site, no blasting will take place. The mineral will then be moved to the screening and washing plant site in the north-western part of the existing pit area. Inert C&DW will be delivered to the site by returning vehicles, processed on site and utilised as secondary aggregates. This will require the construction of a concrete pad with individual bays for the receipt and sorting of construction and demolition waste, then crushed and screened. Any

potential contaminants (e.g. plastics, wood and papers) will be hand picked and placed into a skip for disposal to licensed landfill sites.

8.2.2. It is not proposed to construct any new buildings, the existing ancillary buildings (site office and workshop) in the northern part of the site will be utilised. Washing, screening and size reduction plant will be erected in the north western part of the site, as was the case with previous plant on site.

8.2.3. The proposal is for the re-commencement of extraction at an existing and established quarry where works have been discontinued for a time. The area is designated 'Class 1 – Low Sensitivity' (where Class 1 is the least sensitive and Class 5 the most sensitive) in the current County Development Plan. Having regard to the policies and objectives for mineral extraction as set out in the Galway County Development Plan 2022 - -2028 (see Section 6.2 above) together with the established though discontinued quarry use at this location I am satisfied that the proposed development complies with the current development plan and is therefore acceptable in principle. Issues pertaining to activities on site, traffic impact, appropriate assessment and environmental impact are discussed separately below.

8.2.4. With regard to the proposed inert construction and demolition (C&DW) waste recovery facility, I note that both planning and waste management policy documents support the principle of C&DW recycling in the interest of sustainable development. The Connacht-Ulster Waste Management Plan 2015-2021 (CUWMP) provides a framework for the prevention and management of waste in a sustainable manner in Galway and the other local authority areas. The County Development Plan is also supportive of sustainable means to manage waste and I note that policy objective WM 3 Waste Recovery and Disposal Facilities, seeks to support and facilitate the provision of adequate waste recovery and disposal facilities for the county. Similarly, Section 3.9 of the Quarries and Ancillary Facilities Guidelines for Planning Authorities notes that the crushing of concrete for recycling purposes is similar to typical rock crushing in a quarry and would thus be a compatible use, though I do note the difference between sand/gravel extraction versus rock quarrying in this instance.

8.2.5. The EIAR states that the importation of inert construction and demolition waste (C&DW) will be brought back to site via return loads within the delivery fleet, for

storage in a dedicated, prepared area prior to processing, utilising the same processing plant as is proposed for the mineral processing operation, which has been specified to accept both C&DW and indigenous sand and gravel, in preparation for resale as recycled aggregate. I note that 'construction and demolition waste' has a wider meaning in waste management policy, and that the processing and storage of other forms of C&DW would have the potential to result in additional environmental issues. However, I am satisfied that the measures outlined in the EIAR to control the possibility of pollution risk and the requirements of any licensing regime will result in an acceptable form of development at this location.

8.2.6. Specifically, I note that the proposed intake of up to 50,000 tonnes per annum of C&DW at the facility could be of a scale to require a Waste Licence from the EPA. In that regard I note the EIAR states that an Article 11 Declaration Request was made by the applicant and reviewed by the Environmental Licensing Programme (Office of Environmental Sustainability) at the EPA. Appendix 1.2 of the EIAR details correspondence dated 18th January 2022,and outlines that the restoration element of the proposals has been deemed by the EPA to constitute a Class 5 recovery operation under the Waste Management Regulations. In the same declaration, the inert recycling element of the proposals has been deemed by the EPA to constitute a Class 7 operation for the recovery of inert waste arising from construction and demolition activity. The EPA has advised that based upon the above, a Waste Facility Permit will be required to be obtained from Galway Co. Co. prior to operation of the facility. In that context I note the observation made by the EPA to the initial planning application that 150,000 tonnes of waste will be filled during the facility's lifetime, a Waste Facility Permit is required under Classes 5 and 7 of Part I of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007.

8.2.7. The EPA state that should a change amount to 200,000 tonnes or more being required during the facility's lifetime, then a waste licence will be required. The EPA were invited to comment on this appeal and they have stated that the proposed activity does not appear to require a Waste Licence under the Waste Management Act 1996 as amended, and thus no comments can be made as to the need for EIA for the development. I am satisfied that no further action concerning the EPA is required in relation to the planning principle of the inert construction and demolition

(C&DW) waste recovery facility component of the proposed development, as any matters of environmental relevance will be managed separately if and when an appropriate licence is applied for by the developer once the activity commences.

8.2.8. Having regard to the foregoing, and subject to appropriate conditions, I consider the proposed C&D waste recovery facility, as described in the EIAR, to be a use that is compatible with the quarrying and related operations that have been in place at the appeal site. I therefore consider it to be a form of development that is appropriate in principle, subject to further consideration of how it accords with the proper planning and sustainable development of the area.

### 8.3. Activity on Site

8.3.1. Appellants are very concerned about activities that have been and are currently ongoing at the site of the quarry, according to their observations. It is stated that since the 2015 grant of substitute consent, extraction of materials has continued, stockpiling and new ground not quarried before has come into operation. With reference to these activities an enforcement case has been commenced, EN21/126 refers. In addition to vehicle movements traversing through the site, water is being drained from a new area of extraction and used within the applicant's landholding. All of these areas are not included in the application, but accommodate works that are not permitted and subject to EN21/126. There is a worry that because water from outside the site is being used project splitting for the purposes of EIA has occurred. It is noted by the appellant that the processing of construction and demolition waste is water intensive and will be supplied from outside the site. Finally, it is noted by the appellants that the storage of material from another quarry the subject of a supreme court order appears to be taking place on the site and this entails additional traffic movements.

8.3.2. The applicant disputes the statements made by third parties with reference to ongoing works at the quarry site, both during the planning application process and with reference to the appeal now before the Board. Firstly, I note the letter dated 27th September 2022, sent by the applicant to the planning authority in response to the observations on the planning application made by third parties and illustrated by photographs. The applicant queries the location of the photographs relative to the application site and points out that those photographs that are within the site appear

to show no development taking place. The planning authority also asked questions about alleged unauthorised activity on the site, item 12 of the further information request dated 3rd October 2022 refers.

8.3.3. In a response dated 24th March 2023, the applicant builds on their unsolicited response dated September 2022 and further explains that the presence of machinery and ground disturbance was as a result of the stockpiled material at the northern portion of the site being removed, drawing ref CLOO/FIR12 refers. It is further explained that the stockpiles were shown on substitute consent layout drawings but are not shown on layout drawings for the current application. The imagery referred to by the planning authority shows the removal of the stockpiles taking place and it is stated that quarrying activity has not taken place on the planning application site. The planning authority accepted the applicant's account of activity on-site and no further action was taken.

8.3.4. For clarity and with reference to the substitute consent application (SU.0056), I note that conditions were attached and specifically that consent relates only to past quarrying that has been undertaken and does not authorise any structures or any future development on this site, including excavation. From my understanding of the substitute consent application and the assessment made by the Inspector and the Board at the time, the Environmental Impact Statement explains that on completion the site will be restored to a natural habitat and that restoration measures will include removal of stockpiles, and this would accord with conditions 2 and 5 of the Board Order that required that to be done in accordance with the proposed restoration plan. It would seem to me that the stockpiles were removed at some point in time and that was a requirement of the substitute consent process. If unauthorised development has or is taking place, then that is a matter for the planning authority and not this appeal. The applicant states in their repose to the grounds of appeal that no development activity that requires a planning permission is taking place at the site.

8.3.5. Based on the principle that this is an application for development to once again begin on the site with reference to quarrying, I am satisfied that all relevant matters should be taken into consideration. However, the matter of alleged unauthorised development is a matter for third parties, the owner/occupier and the planning authority if such a case exists. I have read the information on file, including the submissions and grounds of appeal prepared by third parties and I have visited the

site and observed no works taking place. In fact, the site had the appearance of a quarry where activity had not taken place for some time, there was no plant or machinery on site and significant portions of the site are experiencing the recolonisation by vegetation. There are other industrial operations in the vicinity of the site and I note their ongoing operation and associated planning histories with reference to the planning authority's online viewer. With reference to the appeal site now before the Board, I am satisfied that the quarry has not operated for some time, that the removal of stockpiles as a requirement of substitute consent may have taken place and that the proposed development is as it has been described by the advertised description of development. As the Board have no powers of enforcement, action in respect of any alleged unauthorised development or non-compliance would be an issue for the Planning Authority or Courts, as relevant.

8.4. **Archaeology**

8.4.1. References are made by appellants to Substitute Consent, specifically condition 3 with reference to archaeology. The appellants understand that condition 3 was not complied with and this reinforces the view that the applicant cannot be relied upon to implement conditions. Firstly, past and future compliance with any conditions of a planning consent are a matter for the applicant/developer and the local planning authority. More specifically, I note that the applicant refers to the remedial EIS that accompanied the Substitute Consent application, where it is stated that mitigation measures are not required because no archaeology appears on site. This is because GA043-046 had already been completely removed from the site prior to 1995 and before that site was placed on the RMP. This is a case where any archaeological remains that where present in the past have been removed as a result of historic quarrying of the area and before the time of the current owners.

8.4.2. The Cultural Heritage section of the rEIS was submitted by the applicant as further information to the planning authority, received 24th March 2023. All relevant details are contained in this document, where it is highlighted that no archaeological remains are present on site, plate 11.3 is the most revealing in this respect. I am satisfied that the issue of archaeology on this site and any remedial measures are not relevant in this instance, archaeology cannot be re-manufactured. Though regrettable, what remains were present are now long gone and all of this occurred

before ownership of the quarry changed hands. No further action is required with respect to archaeological matters.

### 8.5. Water Management

8.5.1. An appellant states that water is being drained from the new area of extraction and used within the applicant's landholding. These areas are not included in the application site, but accommodate works that are not permitted and subject to an enforcement action. Water from outside the site is being used within the site and there is no permission for this hence project splitting has occurred. In addition, the appellant is concerned that the processing of waste requires a large amount of water to be sourced outside the site and vehicle movements to and from, should be included in the application boundary.

8.5.2. I have already concluded that works are no longer being carried out on the site and from appearances this seems to be the case now. As elsewhere in my report I note that enforcement action is within the remit of the planning authority and not the Board. However, the appellant makes reference to use of a water resource outside the site and that this has not been included in the application boundary or any other documentation.

8.5.3. I note that the Hydrology section of the EIAR states that there is a small groundwater pond at the southern end of the landholding, which is used to top up the washing plant process water recycling system. It is also noted that there is currently no discharge of surface water to any watercourse from the existing sand and gravel pit; and there are no plans to discharge any water from the site in the future. With reference to the proposed C&DW facility, a concrete pad with individual bays for the receipt and sorting of the construction and demolition waste will be installed and drain to the Attenuation / Interceptor Tank. It is stated that the key principle at the recycling plant is that water use should be minimised, and wastewater reused or recycled. Effluent and any sludges derived from rogue material/loads in the Quarantine Area will be collected and tankered to a licensed landfill site for disposal. It is stated that water usage at the site will be minimised by re-circulation through the Water Management System. Losses from the system are typically expected to be around 5% (attributed to moisture content in the sold product).

8.5.4. In addition, I note the preparation of a Water Management Strategy in Operational Phase & Flood Risk Assessment dated February 2023, section 3 deals with water management. This document explains that the top-up requirement for the screening and washing plant is estimated at 0.5-1 m3/d. This is what will be needed to counteract any losses from the re-circulatory lagoon system. Losses are likely to be around 5%, therefore the overall throughput rate at the washing plant would be 10-20 m3/d. It is stated that the plant will be running for 2 hours per working day, this equates to 5-10 m3/hr (1.4-2.8 l/s). The report concludes that the abstraction rate is less than 25m3/day, and falls outside the EPA's abstraction licensing regime.

8.5.5. The source of water is detailed as being topped up from rainwater harvesting, except during prolonged dry periods. In such an instance, the groundwater pond to the south of the site will be periodically utilised in order to top up the settlement pond system. Such instances are considered to be infrequent; and water will be transported via tractor and bowser, as necessary. I note that this area falls outside the application site area but within the overall land ownership of the applicant, a small portion of land at the southern tip of the site.

8.5.6. From the information available to me on the file, I can see that the water requirement for the entire operation will be mostly resourced from within the site, from a closed system, utilising recycled water as much as possible. Additional water may be required from time to time and it will be transported to the site from quarry lands (groundwater pond) that lie to the south. Abstraction from the groundwater pond will be less than 25m3/day and from what I understand, will be an infrequent occurrence. If the Board are minded to grant permission, I suggest that a suitably worded condition omits the use of the groundwater pond outside the application site area. I am not certain that the affect of abstracting water from the groundwater pond has been fully assessed in the EIAR and has only been addressed for information purposes in the applicants Water Management Strategy in Operational Phase & Flood Risk Assessment report.

## 9.0 **Environmental Impact Assessment**

### 9.1. Introduction

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

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

9.1.2. The applicant's landholding amounts to 7.11 hectares and the proposed extraction area measures 6.5 hectares in area. The extraction area is greater than 5 hectares in size thereby exceeding the stated thresholds and requiring a mandatory EIA.

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

### 9.2. Compliance with Legislation

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

- Non-Technical Summary
- Volume 1 - Environmental Impact Assessment Report
- Volume 2 - Appendices

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

assets including traffic and transport and it also considers the interaction between the factors referred to in points (a) to (h).

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

9.2.4. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in Section 1.4 (Competency and Expertise), set out in table 1.2 and at the start of each section of the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality.

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

9.2.6. Further information was required by the planning authority with reference to the EIAR, updates include: section 3 Planning Policy Framework, a Water Management Strategy in Operational Phase & Flood Risk Assessment, a revised version of the Ecological Impact Assessment (EcIA), a Restoration Drawing (Ref MDA.22.102.100.1), revisions to the Transport Statement and an updated Cultural Heritage section. I have had regard to all these updated documents.

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

9.3.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. There is limited potential for significant natural disasters to occur at the proposed site. Ireland

is a geologically stable country with a mild temperate climate. The potential natural disasters that may occur are therefore limited to flooding. The risk of flooding is addressed in Section 6 of the EIAR and discussed further below. The EIAR states that extreme weather events such as 1 in 100 year storm event have been modelled and during such an event, surface waters can be wholly managed within the site, with no risk to neighbouring land. There are no significant sources of pollution associated with the works with the potential to cause environmental or health effects.

9.4. The proposal is no more vulnerable than any other development of this type. The site is not connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential effects from this source. Given the nature of and volumes of materials proposed to be stored on-site the Seveso Regulations would not apply.

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

9.6. Alternatives

9.6.1. Alternatives have been specifically addressed in the EIAR, appendix 2.1, figure 2.1 and table 2.1 all refer. The EIAR states that the assessment of alternatives focussed on existing mineral workings and the surroundings (to include lands potentially suitable for a lateral extension) as opposed to undeveloped, greenfield sites which are likely to result in greater impacts upon the environment. With reference to alternative sites currently operating as quarries; nine limestone quarries were discounted as the wrong mineral type and five sand/gravel quarries were not available for acquisition. Having regard to the nature of the scheme (recommencement of works at a former quarry) the alternatives outlined are reasonable and commensurate with the project. I am satisfied that the requirements of the Directive in terms of consideration of alternatives have been discharged in this instance.

9.7. Consultations

9.7.1. Details of the non-statutory consultation entered into by the applicant as part of the preparation of the application and EIAR and prior to the lodgement of the application

are set out in Section 1.3 of the EIAR. It is stated that the recommendations of the consultees have informed the EIA process and the contents of the EIAR.

9.8. Likely Significant Effects on the Environment

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

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape;
- the interaction between the factors referred to in points (a) to (d).

9.8.2. In total the main EIAR includes 18 chapters. Chapters 1 to 4 provide an introduction to the project, background to the proposed development and a description of the proposed development. Chapter 5 addresses Geology, 6 Water Environment (hydrology and hydrogeology), 7 Noise, 8 Air Quality, 9 Landscape and Visual, 10 Waster Management, 11 Biodiversity, 12 Traffic, 13 Cultural Heritage, 14 Natural Resources (soils), 15 Socio-Economic Impacts, 17 Human Health and chapter 18 addresses intra and inter cumulative impacts. Each of the above chapters are considered in detail below, with respect to the relevant headings set out in the Directive.

9.9. Population and Human Health

9.9.1. Section 15 of the EIAR addresses Socio-Economic Impacts including Population, section 16 Climate Change, Accidents and Disasters and section 17 addresses Human Health. These sections focus on health and safety, employment and investment, population, noise and vibration, dust and air quality. Potential operational issues are summarised as follows:

- **Health & Safety** – The presence and operation of heavy machinery poses a potential risk to employees and members of the public who access or enter the site. These are considered to be long term potential significant impacts.

Mitigation measures to be implemented include a site specific health and safety plan, only qualified personnel permitted to operate machinery, appropriate barriers and signage to be used, site will not be accessible to the public and the site will be secured to prevent trespass. The implementation of the mitigation measures outlined will result in a residual long-term, imperceptible, negative impact. There will be no significant effects on health and safety.

- **Employment & Investment** – The development will result in the production of permanent full and part-time employment for an estimated 5 full time staff with additional indirect employment for 15 people. The pit will have an estimated expenditure of approximately 1 million per year in the local economy. The operational phases will require the hiring of those with specialist skills. The operational phase will have a long term moderate positive impact residual impact. There will be no significant effects on employment and investment.
- **Population** – The operational phases will have no impact on population but there will be positive impacts in relation to the construction sector in general and house building. There will be no significant effects on population.
- **Water Environment** – The operational phase may present the risk of degradation at local water supplies. It is recommended that the domestic wells at Ballykeaghra are dipped and tested on an annual basis on order to ensure no site-related derogation in private water supply is experienced over the lifetime of the proposed operation.
- **Noise & Vibration** –: A background noise survey was undertaken on 1st February 2022 in proximity to the nearest noise sensitive locations to establish the current ambient noise levels in the area without the existing quarry area in operation. The predicted worst-case 1-hour noise levels (dB LAeq) at Noise Sensitive Receivers during the proposed development are predicted to be in accordance with the daytime noise limit of 55 dB LAeq, 1 hour from quarry activities. No blasting will take place on site, hence no vibration impacts. The expected noise and vibration effects for the operational phase can be summarised as follows: negative quality, not significant and of long-term duration. Best practise noise mitigation measures will form part of the site management practises at the operational phase to ensure noise from on-site

operations do not cause a noise nuisance at the nearest NSR to mitigate the potential, negative impact associated with the operation of the quarry. There will be no significant effects on population and human health as a result of noise and vibration.

- **Dust & Air Quality** – Potential dust and vehicle emissions may cause nuisance to residents and other road users, thereby creating a long term slight negative impact. Mitigation measures will be enforced to ensure that dust and vehicle emission nuisance during the operational phase beyond the site boundary is minimised. The residual impacts will be long term, imperceptible, negative impact. There will be no significant effects on population and health as a result of dust and emissions.
- **Waste Facilities** – In 2019 most of the C&D waste collected in Ireland was recovered by backfilling (82%), while 10% went for disposal and only 7% was recycled. The Connaught and Ulster Region Regional Waste Management Plan states that there is a need for appropriate processing facilities to be in place to facilitate increased reuse, recycling and recovery of this waste stream.

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

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

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

9.10. Biodiversity

9.10.1. Section 11 of the ElAR addresses Biodiversity. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Biodiversity, Flora and Fauna and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on biodiversity are assessed with particular attention paid to species and habitats of ecological importance.

9.10.2. The desk study was utilised to identify the likely distribution of species in the general area. Field surveys were conducted within the Application Site in July/August 2019 and April 2021. Given the highly modified and bare nature of the habitats on site, limited suitable habitat occurs on the site for protected faunal species. However, a mammal survey; bat surveys; Amphibian Habitat Suitability Survey; a torchlight Newt survey and egg searches; and a breeding birds survey were conducted.

9.10.3. Few signs of badgers were noted on site, a trail camera was deployed at the site for nine days and nights. During this time, no badgers were recorded. No bat roosts were recorded on the site. Common pipistrelle bat and soprano pipistrelle bat were the most common species detected. Together with Leisler's bat, brown long-eared bat and Nathusius's pipistrelle bat. Surveys of the ponds on the site showed that Newts were present in some of these. In total, 102 adult Newts and 87 juveniles were recorded. Egg searches did not result in any records, although it was noted that the ponds were steepsided and aquatic vegetation was difficult to access. The large majority of Newts were recorded in the long shallow trench to the east of the site. Two individuals were recorded in the ponds to the west. During sand martin surveys, some areas of the site were found to have active nesting sites for this species, while other areas contained old sand martin nests that were no longer in use. A total of approximately 46 sand martins were observed entering nesting holes in two almost vertical sandy faces at the Application Site. Over 100 were observed in flight overhead.

9.10.4. No nationally designated sites were identified as occurring within the likely zone of impact of the proposed development. No watercourses were recorded within or immediately adjacent to the site of the proposed development. There are no Annex I habitats listed under the EU Habitats Directive present within the proposed development site boundary. No third schedule invasive species were recorded within the study area. The only invasive species recorded on site include rabbit, butterfly

bush and winter heliotrope. Although invasive species, these are not listed on the Third Schedule. No botanical species protected under the Flora (protection) Order (1999, as amended 2015) or listed in the Irish Red Data Books were recorded during the survey.

9.10.5. Effects upon European Sites are discussed within the Natura Impact Statement which accompanies the application. Effects upon nationally designated sites as a result of the proposed development are not anticipated, given that impacts to groundwater and surface waters will be prevented, or mitigated where necessary, during the operation of the proposed development. The NIS concluded that the proposed development, by itself or in combination with other plans and projects, in light of best scientific knowledge in the field, will not adversely affect the integrity of European sites, and no reasonable scientific doubt remains as to the absence of such effects. No significant effects upon biodiversity, flora and fauna as a result of the proposed development are anticipated, given that the proposed development is carried out in compliance with procedures of best practice, and that mitigation is duly applied where necessary.

9.10.6. In terms of impacts the proposal may have on the receiving environment, they include: hydrological impacts, dust deposition, disturbance, permanent habitat removal, direct and indirect impacts due to loss of nesting and resting sites. The site restoration plan, which is designed to provide a beneficial after use (agriculture) will also deliver positive impacts for local biodiversity, is also considered.

9.10.7. Most of the habitat that will be affected by the proposal is already unvegetated. There are two areas of exposed sand face habitat which were used as breeding sites by sand martins in 2021. A small area of dry calcareous & neutral grassland (habitat GS1) and grassland scrub mosaic (GS1/WS1) will be lost at the north-east corner of the site. However, the long species-rich area of dry calcareous & neutral grassland (habitat GS1) along the south-west of the site will not be disturbed, and much of the existing areas of scrub north of the site entrance will be retained. The existing pools on the site will be retained.

9.10.8. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of biodiversity can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that

the proposed development would not have any unacceptable direct, indirect or cumulative impacts on biodiversity.

9.11. Land, Soils and Geology

9.11.1. Section 5 Geological Assessment of the ElAR addresses Land, Soils and Geology. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Land, Soils and Geology and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Land, Soils and Geology are also assessed.

9.11.2. Quarrying and removal of land, soils and bedrock will result in a direct impact on the local lands and geological environment, albeit this is an acceptable and unavoidable part of the quarry development. These impacts will be localised (i.e. only at the point of quarrying) and will be mostly mitigated through the adoption of a suitable restoration plan for the quarry once quarrying activities have substantially finished. The soil which will be removed and the sand/gravel to be quarried at the site are not notable from a geological heritage or ecological point of view. There is no planned extraction of the underlying limestone and there will be no direct geological impacts on the bedrock geology. The implementation of a restoration plan following the completion of quarrying operations will result in a residual negative, irreversible, slight, direct, likely, permanent effect on land, soil and bedrock. No significant effects on land, soils and geology are anticipated. The proposed quarrying and associated activities will have an insignificant impact on Quaternary Sedimentary deposits in the region and will have no impact on the underlying Visean Limestone Formation.

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

9.12. Hydrology and Hydrogeology

9.12.1. Section 6 Water Environment of the ElAR addresses Hydrology and Hydrogeology. This section assesses the potential impacts of the proposed development upon the hydrological/ hydrogeological regimes and outlines the requirements for mitigation, where necessary, needed to minimise those impacts to an acceptable level. The residual impacts on hydrology and hydrogeology are also assessed.

9.12.2. Hydrology - It is noted that the site has the benefit of substitute consent for previous workings, though not in operation at present. The quarry previously operated above the water table in the past. The top-up pond is fed by groundwater seepage; and currently has a water level of circa 31.5 maOD (January 2022). It is noted that the rEIS states that surface water falling on the site percolates to groundwater through the sand and gravel on the floor of the pit, there is no discharge off site. Currently, the site comprises an elongated ridge of sand and gravel bounded to the north and south by areas of peat bog, which have been partially cut. Ground level at the site entrance is 38.85 maOD; the floor of the existing sand and gravel pit is at circa 32-35 maOD; and the top-up pond, which is fed by groundwater seepage, has a water level of circa 31.5 maOD (January 2022).

9.12.3. The site is located at the boundary between two sub-catchments of the Clare River. The River Waterbody WFD Status (2013- -4) for the Clare River is ‘Q3-4’ Moderate (at risk) and for the Grange River is ‘Q4, Good (not at risk)’. There is currently no discharge of surface water to any watercourse from the existing sand and gravel pit; and there are no plans to discharge any water from the Site in the future. Rainfall infiltrates to ground across the site.

9.12.4. Hydrogeology - Regional mapping, published on the GSI website, indicates that the sand and gravel drift deposits (economic mineral) are not classed as having aquifer status, because they do not extend any significant distance beyond the Site boundary. Bedrock aquifer maps, published on the same website, provide a detailed classification of bedrock aquifer types; and indicate that the Visean Limestone is classed as a regionally important aquifer karstified (conduit); the aquifer category is Rkc. The GSI karst database does not list any karst features in the immediate vicinity of the Site. Groundwater vulnerability is classed as ‘high’.

9.12.5. Three boreholes were installed on site in June 2020 and dipped on a monthly to quarterly basis from September 2020 through to January 2022. Analysis shows that groundwater level is at 32.25 maOD at the northern end of the site and declines to 31.40 maOD at the southern. The closest domestic well supply is located 450 metres southwest of the site.

9.12.6. All working will take place at least 1 metre above the recorded watertable. There will be no requirement for sub-watertable mineral extraction or dewatering, and no drawdown-related impact upon groundwater levels and flow.

9.12.7. Groundwater quality sampling will be undertaken on a quarterly basis to identify any changes in groundwater chemistry. Refuelling operations will be completed in accordance with the procedure described within the Oil Care Code.

9.12.8. In terms of storm balancing, during a heavy rainfall event, water will be allowed to pond and infiltrate to ground. There is no risk of runoff from the quarry void to neighbouring land. A concrete pad with individual bays for the receipt and sorting of the C and D waste. The recycling operation includes four Recycling Bays, a Designated Tipping Area and a Quarantine Area, which will drain to the Attenuation / Interceptor Tank.

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

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

9.12.11. The proposed development will have no significant effects on groundwater or surface water quality, and will include reactive measures for the management of accidental spillage and / or long-term leakage of fuel, lubricating or hydraulic oils. These will have no significant hydrological effects on local designated sites. No significant effects on human health are anticipated. No significant hydrogeological cumulative effects are likely.

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

9.13. Air and Climate

9.13.1. Section 8 Air Quality and section 16 Climate Change, Accidents and Disasters of the ElAR addresses air and climate. These sections assess the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on air and climate and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on air and climate are also assessed.

9.13.2. The air quality in the vicinity of the site is typical of that of rural areas in the west of Ireland i.e. Zone D as per the EPA Four Air Quality Zones for Ireland which represents rural areas located away from large population centres. Prevailing south westerly winds carry clean unpolluted air from the Atlantic Ocean onto the Irish mainland. Local air quality monitoring (EPA Tuam) shows Particulate Matter (PM10 and PM2.5) concentrations are so low, relative to the annual mean limit value, indicates good air quality in the area.

9.13.3. The operation will comprise the removal of sand and gravels, and processing of C and D waste. This is likely to have a medium-term, slight negative effect, which will be reduced through the use of the best practices mitigation measures, table 8.7 refers: There are no properties within 250m to the north-east of the proposed quarry site, i.e. downwind of the prevailing wind direction. Beyond such distances it is highly unlikely that any receptors will experience a dust nuisance.

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

weather. Traffic movements also have the potential to generate dust. Pre-mitigation, these effects will have a long term moderate negative effect. Section 8.6 sets out the standard mitigation measures that will be implemented at the site:

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

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

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

9.13.8. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of air and climate can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that

the proposed development would not have any unacceptable direct, indirect or cumulative impacts on air and climate.

9.14. Noise and Vibration

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

9.14.2. Four measurement locations were selected in order to obtain a representative baseline noise level at noise sensitive locations, in this case houses, in the vicinity of the quarry extraction area, table 7.2 and figure 7.1 refer. Depending on the measurement location, the existing noise environment of the general area is dominated by the traffic on the R347.

9.14.3. During the operational phase of the project the main sources of noise will be extraction, importation and processing of C and D waste, and progressive restoration of the site. No blasting will take place on site., thus no vibration impacts. The proposed development is not considered to have the potential to result in any significant effects upon the environment in terms of noise or vibration.

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

9.15. Landscape and Visual

9.15.1. Section 9 of the ElAR addresses landscape and visual effects. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on landscape and visual effects and sets out the mitigation measures proposed to award, reduce or offset any potential significant

effects that are identified. The residual impacts on landscape and visual effects are also assessed.

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

9.15.3. The landscape sensitivity of the study area is designated as Class 1 – Low Sensitivity' (where Class 1 is the least sensitive and Class 5 the most sensitive) by the Landscape and Landscape Character Assessment for County Galway.

9.16. The site is located on low lying farmland surrounding by peat bog, regenerative woodland and coniferous plantations. Other notable structure planting is associated with Ballinderry Castle 2km to the South and Tuam Golf Course (800m) to the Northeast. The Zone of Theoretical Visual Influence (ZTVI) suggests that potential visibility is equally spread in all directions. However, due to the flat nature of the area s topography, the screening effect of even relatively minor vertical features such as hedgerows can be pronounced. There are no settlements in the vicinity and the site does not lie within a landscape designation.

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

9.16.2. Visibility of the subject development site could be generally excluded, due to topography as well as the presence of hedgerows, tree lines and buildings, both immediately adjacent to roads and in the intervening landscape. Actual visibility was difficult to establish, hence, viewpoints were chosen on anticipated potential visibility.

Overall, the proposed development will have a Long-term, Imperceptible, Neutral-Negative visual impact.

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

9.17. Archaeological and Cultural Heritage

9.17.1. Section 13 of the ElAR addresses Archaeological and Cultural Heritage. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Archaeological and Cultural Heritage and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Archaeological and Cultural Heritage are also assessed.

9.17.2. No Protected Structures are located on or within the immediate vicinity of the proposed development site. No protected structures are located within 2 kilometres. It is noted that quarrying at the site has led to the complete removal of the remains of a rectangular enclosure, Recorded Monument GA043-046, prior to 1995 before the area was placed into the Record of Monuments in 1997 and before the Section 261 conditions imposed by the planning authority. No remaining trace of the Monument was visible when a field survey was carried out in May 2013. No impacts on cultural heritage, archaeology or buildings of heritage interest have been identified and therefore no mitigation measures are required.

9.17.3. I note that further information with reference to section 11 Cultural Heritage was submitted to the planning authority on the 24th March 2023. This information provides a fuller account of the cultural heritage of the site and leads to the same conclusions set out in the initial EIAR. Based on the assessment above there will be no significant effects on archaeological heritage.

9.17.4. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of Archaeological and Cultural Heritage can be avoided,

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

9.18. Material Assets (Traffic & Transport)

9.18.1. Sections 5,7 and 10 of the EIAR all deal with material assets. Section 12 of the EIAR addresses traffic impacts with reference to noise, air pollution and the effects of additional traffic movements that will be generated on the surrounding road network due to the proposed development. This section assesses the likely significant effects (both alone and cumulatively with other projects) that the proposed development may have on Traffic and sets out the mitigation measures proposed to award, reduce or offset any potential significant effects that are identified. The residual impacts on Traffic are also assessed.

9.18.2. The quarry is currently closed and therefore there are no impacts in terms of traffic currently being experienced. The site takes an access via a 5.5 metre wide gated entrance from the R347. The access road has a large flair and very wide entry width which has been designed to accommodate the swept path requirements of HGVs. The gated entrance is set back into the site in order to enable a HGV to wait at the gate off the highway, in the event that the gate is shut. The R347 has a carriageway width of approximately 5.7 metres, is unlit and the national speed restriction of 80kph applies. There are no pedestrian footways.

9.18.3. Figures are provided from the previous rEIS, the volumes of traffic and transport movements are not proposed to exceed that which were previously assessed and permitted at the site. A Transport Statement with updated traffic data was supplied by way of further information and dated 16 March 2023, details and findings are as follows:

- An Automatic Traffic Count (ATC) survey was undertaken on the R347 regional road immediately to the south of the existing quarry access between 17:00 hours on 26th January 2023 and 16:59 hours on 27th January 2023. This output from this traffic survey shows a two-way 24-hour traffic flow of 2305 vehicles.

- In the worst case where all vehicle movements are separate for fill and for extraction (rather than combining the fill trip with a return extraction load), the stated volumes of extraction, fill and load, equate to a maximum of 3750 two-way heavy goods vehicle movements per year, alternatively stated as approximately 14 two-way vehicle movement per day.
- Average daily traffic to and from the proposed development is therefore 1.3% of the traffic flow on the R347 regional road. This is below the threshold for further assessment and is also below the 5.0% threshold considered to represent a material intensification.
- The existing R347 regional road, and currently available sight distances.
- One collision, resulting in minor injury has been reported in the vicinity of the quarry access.
- The collision rate for this section of the R347 regional road is one collision per 10,000,000 vehicle kilometres travelled.
- Recorded 85th percentile speeds on the R347 regional road at the quarry access location are 79.0km/h northbound and 82km/h southbound. The resulting Stopping Sight Distances calculated based on the recorded speeds are 142.2m northbound and 151.4m southbound.
- A ‘Sightline Drawing’ depicting the sight distance checks required by DM Standard 28 of the Galway County Development Plan 2022-2028 has been produced.
- Mitigation measures to minimise the road safety risk associated with the quarry access are recommended.

9.18.4. It is demonstrated that the modest increase in traffic that will be generated by the proposed extension will have slight negative impacts on general traffic on the R347 and on existing traffic movements generated in the vicinity. It is also established that the additional traffic movements will be adequately accommodated by the existing R347 with the addition of signage and grass verge cutting.

9.18.5. In terms of other material assets are no known telecommunication services or overhead electricity services in the proposed quarry area.

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

9.19. Interaction of the Foregoing

9.19.1. Sections 5 to 16 of this EIAR identify the potential environmental impacts that may occur as a result of the proposed development in terms of Population and Human Health, Biodiversity, Flora and Fauna, Land, Geology and Soils, Hydrology and Hydrogeology, Air and Climate, Noise and Vibration, Landscape and Visual, Archaeological and Cultural Heritage and Material Assets. All of the potential significant effects of the proposed development and the measures proposed to mitigate them have been outlined in the preceding sections of this report. However, for any development with the potential for significant environmental effects there is also the potential for interaction amongst these potential significant effects. The result of interactive effects may exacerbate the magnitude of the effects or ameliorate them, or have a neutral effect.

9.19.2. Interactions between the various aspects of the environment already discussed in the EIAR. Interactions have been identified between effects on Population and Human Health and effects on Noise and Vibration, Air and Climate, Hydrology and Hydrogeology, Landscape and Material Assets. Interactions have been identified between effects on Biodiversity, Flora and Fauna with effects on Soils and Geology, Hydrology and Hydrogeology, Noise and Vibration. Interactions have been identified between effects on Soils and Geology with effects on Hydrology and Hydrogeology. Interactions have been identified between effects on Air and Climate with effects on Material Assets.

9.19.3. Where any potential interactive effects have been identified, appropriate mitigation is included in the relevant sections of the EIAR. I consider that the summaries provided in each chapter of the EIAR are adequate for identifying the potential for interaction impacts.

9.20. Reasoned Conclusion.

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

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

9.21. Conclusion

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

## 10.0 **Appropriate Assessment**

### 10.1. **Introduction and Background**

10.1.1. This is an application to reopen an existing quarry and includes the processing of construction and demolition waste. Appellants have levelled criticism that the wrong test for screening for Appropriate Assessment was used by the planning authority, and that the further information submitted by the applicant with reference to hydrological connections was not acceptable. The planning authority come in for

further criticism with respect to their assessment of the NIS and non-compliance with law, lack of information and the existence of scientific doubt. It is highlighted that the measures outlined in the NIS are not adequate or detailed enough to remove scientific doubt. The appellant also claims that the NIS is generally incomplete, contains omissions and lacks scientific certainty, permission in this instance cannot be granted. Lastly, the appellant refers to the applicant's activities at another site and that brings scientific doubt with reference to the case on hand and any nearby designated sites.

10.1.2. Having reviewed the documents and submissions on file including the Natura Impact Statement (NIS) submitted with the Planning Application and the revised NIS submitted as further information on the 24th March 2023, I am satisfied that all the information available to me 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. I am not aware of any omissions or lack of necessary detail.

10.1.3. I refer to the Natura Impact Assessment (NIS) submitted with the application as further information on the 23rd March 2023. A description of the site is provided in Section 2.0 Site Location and 3.0 Description of this report above. The project site comprises approximately 6.5 hectares of land located within the townland of Cloonascragh, approximately 2.6 kilometres south of Tuam. The site consists of an existing quarry no longer in operation. The existing quarry at Cloonascragh has a total site area of 12 ha. The planning application boundary is situated within this area and covers an area of 6.5 ha toward the northern and western end of the site. The proposed quarry operations will include the following site related infrastructure and processes:

10.1.4. **Sand and Gravel Extraction** - The extraction and processing of sand and gravel, to a maximum depth of 34 m AOD, above the water table. The sand and gravel will be extracted with the use of a 12 m reach 360˚ excavator and loaded into dump trucks / HGVs. Sand and gravel will be extracted dry and there is no proposal to work below the watertable. Access to the pit floor will be via a ramp adjacent to the plant site. Excavated material will be hauled to the screening and washing plant site in the north-western part of the pit. The material will be washed, sized and screened into single-sized products. The wash water will be recycled through a series of settlement

lagoons and reused. Suspended quarry fines (silts etc.) resulting from the washing process will be deposited in the existing silt ponds and left to settle before being utilised in the progressive restoration of the site. There is a groundwater pond situated at the southern end of the Applicant's landholding. The groundwater pond will be periodically utilised during periods of prolonged dry weather in order to top up the settlement pond system. Such instances are considered to be infrequent, and water will be transported via tractor and bowser, as necessary.

10.1.5. Water management on site will be managed by a Water management Strategy prepared by BCL Hydro. Water storage on site will not be in hydraulic continuity with the groundwater system and risk of run-off given the relative levels below existing surrounding lands.

10.1.6. **Importation & Processing of Construction and Demolition Waste** - The proposal includes the importation of inert construction and demolition waste by return HGV load. The site will accept wastes only from its own hauliers and no third parties will deliver waste to the site, to a maximum capacity of 50,000 tonnes per annum. Wastes will include: concrete, bricks, tiles and ceramics, soil (including excavated soil from contaminated sites), stones and dredging spoil. The processing/recycling activities will take place at the plant site, within the existing pit. The process will utilise the same plant and machinery as for the crushing, screening and washing of the mineral won at the site, then sold off site.

10.1.7. **Site Restoration** - It is intended to progressively restore the site with material resulting from the mineral washing and proposed recycling process, for eventual use as agricultural land. The delivery of the restoration landform will be supplemented by material recovered from the recycling operation proposed for the site. Pit faces will be progressively restored to 1v:5h slopes with available indigenous stripped topsoils and stored overburden and supplemented with imported inert material. Much of the restoration will be undertaken over the course of the proposed development, with restoration commencing in the southern part of the site and progressing northwards.

10.1.8. Site survey visits were conducted in order to map habitats and survey species of interest for an Environmental Impact Assessment Report (EIAR) chapter, prepared in conjunction with the NIS. During these surveys, consideration was given to any potential ecological connections that may exist between the Application Site and any

European Sites. With reference to the accompanying Ecological Impact Assessment, section 2.8 sets out the Field Survey Methodology that took place on various dates between July 2019 and April 2021. Field surveys included the following: Initial survey to identify potential constraints, including birds survey, Deployment of SM2 static bat detectors, Mammal survey and deployment of trail cameras, Extended Phase 1 Habitat survey, Collection of trail cameras and SM2 static bat detectors, Breeding birds and sand martin surveys, Newt survey, Updated habitat survey, Deployment and collection of trail cameras and SM4 bat detectors.

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

10.3. As stated, the application included a Natura Impact Statement to evaluate the potential impacts(s) of the proposed development on European Sites located within the likely zone of impact. The development is not located within or directly adjacent to any Natura 200 sites, there are four Natura 2000 designated sites identified within 15km of the site;

- Lough Corrib SAC (000297),
- Lough Corrib SPA (004042),
- Derrinlough (Cloonkeenleananode) Bog SAC (002197)
- Levally Lough SAC (000295)

10.3.1. Figure 5 of the NIS refers. However, table 1 of the NIS sets out a Screening Matrix of European Sites potentially within the Zone of Influence of the Proposed Development and it concludes that Lough Corrib SAC (000297) and Lough Corrib SPA (004042) should be given further consideration because groundwater from the site is expected to flow towards the Grange River. The groundwater vulnerability rating of the Application Site is classed as “High” and the Grange River is part of both designated sites, and flows to lower Lough Corrib via the Clare River.

10.4. The other two sites can be discounted, given the distance, the intervening lands and lack of impact pathways between the project site and the Special Area of Conservation sites Derrinlough (Cloonkeenleananode) Bog SAC (002197) and Levally Lough SAC, all of which are in a separate hydrological catchment, no potential for impact on these

sites has been identified and therefore these sites have been screened out from further investigation.

10.5. However, the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) are hydrologically connected (by groundwater only) to the project site. Potential for significant effects is considered below:

| **European Sites & distance from proposed development & Conservation Objective** | **Qualifying Interests / Special Conservation Interest (NPWS) S.I. No. 384 of 2022 refers.** | **Potential Adverse effects Arising from the proposed development** |
|---|---|---|
| **Special Area of Conservation (SAC)** | | |
| Lough Corrib SAC [000297]<br><br>1km<br><br>To maintain or restore the favourable conservation condition of qualifying interest / special conservation Interests which are defined by the list of attributes and targets as set out by the NPWS, NPWS (2017) Conservation Objectives: Lough Corrib SAC 000297. Version 1 refers. | 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)<br><br>3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto Nanojuncetea<br><br>3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.<br><br>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation<br><br>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)*<br><br>6410 Molinia meadows on calcareous, peaty or | Groundwater from the site is expected to flow towards the Grange River. The groundwater vulnerability rating of the Application Site is classed as “High”. The Grange River is part of this SAC, and flows to lower Lough Corrib via the Clare River.<br><br>Toxic effects of hydrocarbons or other toxic chemicals on aquatic habitats in the SAC, leading to the degradation of these habitats and their biological communities.<br><br>Toxic effects of hydrocarbons or other toxic chemicals on the QI animal and plant species of this SAC, leading to death or damage to these species, and degradation of their habitats. The Grange and Clare Rivers are important for Atlantic salmon. Otters, crayfish, lamprey and freshwater pearl mussels are also |

| | | |
|---|---|---|
| | clayey-siltladen soils (Molinion caeruleae)<br><br>7110 Active raised bogs*<br><br>7120 Degraded raised bogs still capable of natural regeneration<br><br>7150 Depressions on peat substrates of the Rhynchosporion<br><br>7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae*<br><br>7220 Petrifying springs with tufa formation (Cratoneurion)*<br><br>7230 Alkaline fens<br><br>8240 Limestone pavements*<br><br>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles<br><br>91D0 Bog woodland*<br><br>1029 Freshwater Pearl Mussel Margaritifera margaritifera<br><br>1092 White-clawed Crayfish Austropotamobius pallipes<br><br>1095 Sea Lamprey Petromyzon marinus 1096 Brook Lamprey Lampetra planeri<br><br>1106 Salmon Salmo salar | sensitive to toxins and contaminants.<br><br>Release of fine particles/suspended solids through groundwater flow. This could cause damage and degradation to the habitats of QI species, especially Atlantic salmon and lamprey, leading to death, reduced breeding success or reduced range of these species.<br><br>To ensure that no adverse effects occur further consideration will be given to the aquatic qualifying interests for which the SAC has been designated, in the absence of mitigation.<br><br>Further assessment will be required.<br><br>**Screened in.** |

| | | |
|---|---|---|
| | 1303 Lesser Horseshoe Bat Rhinolophus hipposideros<br><br>1355 Otter Lutra lutra<br><br>1833 Slender Naiad Najas flexilis<br><br>6216 Slender Green Feather-moss Hamatocaulis vernicosus<br><br>In this list the sign [*] indicates a priority habitat type as defined in the Directive. | |
| **Special Protection Area (SPA)** | | |
| Lough Corrib SPA [004042]<br><br>14.7km<br><br>To maintain or restore the favourable conservation condition of qualifying interest / special conservation Interests which are defined by a list of attributes and targets as set out by the NPWS, NPWS (2023) Conservation Objectives: Lough Corrib SPA 004042. Version 1 refers. | Gadwall (Anas strepera) [A051]<br><br>Shoveler (Anas clypeata) [A056]<br><br>Pochard (Aythya ferina) [A059]<br><br>Tufted Duck (Aythya fuligula) [A061]<br><br>Common Scoter (Melanitta nigra) [A065]<br><br>Hen Harrier (Circus cyaneus) [A082]<br><br>Coot (Fulica atra) [A125]<br><br>Golden Plover (Pluvialis apricaria) [A140]<br><br>Black-headed Gull (Chroicocephalus ridibundus) [A179]<br><br>Common Gull (Larus canus) [A182]<br><br>Common Tern (Sterna hirundo) [A193] | Groundwater from the site is expected to flow towards the Grange River. The groundwater vulnerability rating of the Application Site is classed as “High”. The Grange River connects to the SPA downstream, via the Clare River.<br><br>Toxic effects of hydrocarbons or other toxic chemicals on aquatic birds, leading to death or damage to these species, and degradation of their habitats.<br><br>To ensure that no adverse effects occur further consideration will be given to the aquatic Special Conservation Interest features 'Wetland and Waterbirds' for which the SPA has been |

| | | |
|---|---|---|
| | Arctic Tern (Sterna paradisaea) [A194]<br><br>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]<br><br>Wetland and Waterbirds [A999] | designated, in the absence of mitigation.<br><br>Further assessment will be required.<br><br>**Screened in.** |

## 10.6. Stage 2 Appropriate Assessment

10.6.1. The Screening process above has examined the potential for the proposed development to cause adverse effects on Natura 2000 European Sites and qualifying features of interest and which require the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) to be brought forward for further consideration due to the following effects:

- Potential surface water runoff from quarry excavation during operational phase
- Potential impact on groundwater during operational phase
- Release of hydrocarbons or other toxic chemicals during operational phase
- Noise and dust generation during operational phase

10.6.2. It is considered that the construction phase of the proposed development will not result in any direct or indirect loss or disturbance of the Annex I Habitats or Annex II Species for which both Natura sites have been designated. A series of standard best practice mitigation measures are incorporated into the project design, as described in Section 4 of the EIAR and Section 5 of the NIS. This includes for the fuel-storage area to be bunded at appropriate volumes, provision of spill kits, vehicle checks amongst other things. I refer to each chapter of the EIAR where each particular mitigation measures is outlined in detail.

## 10.7. Analysis of "In-Combination" Effects

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

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

- The development of solar PV panels mounted on metal frames on a site extending to approximately 43 ha and associated ancillary development including an electrical substation compound, control building (70 m2), up to 9 no. inverter units, underground cable ducts, hardstanding area, boundary security fence, site entrance, access track, landscaping, CCTV and all associated enabling works.
- Road layout amendments and a Peat storage facility at Cloonascragh, Tuam, Galway. The application includes the retention of all structures and activities on site associated with the storage facility including 1) Open sided peat storage building 2) Workshop/office/canteen and storage buildings (All demountable structures) 3) Palisade Perimeter fencing 4)Floodlighting 5) Concrete apron/yard 6) Open bund 7) Portaloo 8) Storage of associated plant, machinery and vehicles.

10.7.3. The solar farm has yet to be commenced and the other has been permitted, however, their potential cumulative impact in the context of the proposed development have been considered. In addition, any waste licence and permit applications for the facility dealing with the recovery of waste via the importation recycling and processing of construction of demolition waste will themselves be subject to Appropriate Assessment as necessary.

10.7.4. While it is considered highly unlikely that there is any potential for cumulative impacts, the implementation of the proposed mitigation measures will ensure that there is no potential for adverse effects on Natura 2000 sites. Therefore, it is concluded that there will not be any significant in-combination contribution by the proposed development to possible adverse effects on the Lough Corrib SAC (000297) and Lough Corrib SPA (004042).

## 10.8. Conclusions

10.9. In the absence of mitigation, the potential significant impacts on the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) are potential impairment of water quality during the operational phase. A number of mitigation measures are identified in the EIAR and NIS to ensure water quality (surface and ground) is protected within the vicinity of the site and which follows best practice and this reduces the potential for run off pollutants from the quarrying and recycling works.

10.10. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) was identified. Appropriate Assessment has demonstrated that where potential adverse effects were identified in view of the conservation objectives of these sites, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) will be avoided

10.11. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Lough Corrib SAC (000297) and Lough Corrib SPA (004042) or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 11.0 **Recommendation**

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

## 12.0 **Reasons and Considerations**

12.1. Having regard to:

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

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

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

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

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

vi) The proposed mitigation measures and restoration scheme proposed

vii) The planning history of the site

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

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

## 13.0 **Conditions**

1.The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12th day of August 2022 as amended by the further plans and particulars submitted on the 24th day of March 2023 and by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

b) The developer shall appoint an Environmental Manager with suitable ecological and construction expertise to ensure that these mitigation measures are fully implemented. A report of compliance with the mitigation measures shall be submitted to the Planning Authority following a timeframe to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of protecting the environment and in the interest of public health.

3. a) This grant of planning permission for the extraction of sand & gravel and the operation of an inert construction and demolition (C and D) waste recycling facility, relates only to the areas outlined on the drawings submitted on the 12th day of August 2022. All extraction, processing and inert construction and demolition (C and D) waste recycling operations on site shall cease 10 years from the date of this Order. All plant and machinery shall cease operation and shall be removed from site within 10 years of the date of this Order.

b) No abstraction of water shall take place outside of the red line site boundaries as outlined on the drawings submitted.

c) Restoration of the site shall be in accordance with the restoration plan submitted on the 12th day of August 2022 and shall be completed within 10 years of the date of this Order unless, prior to the end of that period, planning permission is granted for the continuance of use.

d) The developer shall submit, every second year, for the ten-year lifetime of the permission to develop the quarry, an aerial photograph which adequately enables

the planning authority to assess the progress of the phases of extraction. The first such shall be submitted two years from the date of this order.

Reason: In the interests of orderly development and to ensure the appropriate restoration of the site.

4. a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 14 number (daily average two-way movements).

b) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movement shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interests of traffic safety.

5. No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of 5m above the winter water table level as specified.

Reason: To protect groundwater in the area.

6. a) A comprehensive plan for the restoration of the entire quarry following the cessation of 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.

b) Upon completion of restoration the applicant shall submit to Galway County Council Planning Section for their written agreement a digital topographical survey of the final restored contours.

Reason: In the interest of public amenity and public safety and to ensure full restoration of the landscape.

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, prior to commencement of development. This shall include proposals for the following:

a) suppression of on-site noise,

b) on-going monitoring of sound emissions at dwellings in the vicinity,

c) suppression of on-site dust,

d) safety measures for the land above the extended quarry void; to include warning signs and stock-proof fencing/hedgerows,

e) management of all landscaping,

f) monitoring of ground and surface water quality, levels and discharges,

g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

8. a) Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):

Day 55dB(A)Laeq (30 minutes) (08:00 hours to 22:00 hours).

Night 45dB(A)Laeq (30 minutes) (22:00 hours to 08:00 hours).

Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a quarterly basis per year.

b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site.

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

9. On-site operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive and between the hours of 0800 and 1600 on Saturdays. Truck loading activities may be undertaken between the additional hours of 0700 and 0800, Monday to Saturday inclusive.

Reason: To protect the amenities of properties in the vicinity of the site.

10. a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).

b) Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures

c) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

11. a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the

planning authority on an annual basis for groundwater, surface water, noise and ground vibration.

b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

i. A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

ii. An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

iii. A record of groundwater levels measured at monthly intervals.

iv. A written record of all complaints, including actions taken in response to each complaint.

c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement

d) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

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

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

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

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

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

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

20 June 2024