



An
Bord
Pleanála

Inspector's Report ABP-318460-23

Development	Importation of inert soil and stone material for the site restoration of a former gravel pit for a period of ten years and all associated ancillary works.
Location	Brackloon, Ballyglunin, Tuam, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	221204.
Applicant(s)	Frank Mortimer Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party versus decision.
Appellant(s)	Joe McHugh.
Observer(s)	None.
Date of Site Inspection	14 September 2024.

Inspector

Stephen Rhys Thomas.

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Appendix 1 – AA Screening Determination

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1.0 Site Location and Description

- 1.1. The appeal site is located 9 kilometres south of Tuam in east County Galway. The site is accessed from a county road (L2127) and bounds a disused railway to the west. The site is a worked out sand and gravel pit, the access laneway opens onto the public road and the greater part of the former quarry is set back from the road beyond fields along the roadway. The road boundary comprises a mixture of stone walls and low hedging. The appeal site is overgrown and characterised by depressions characteristic of a worked out quarry, some spoil heaps and access tracks.

2.0 Proposed Development

- 2.1. The applicant proposes to restore the former quarry, in the following way:
- The importation of inert soil and stone material to fill depressions within the former gravel pit, the area to be reseeded and used for agricultural purposes. The activity is described by the applicant as a soil material recovery, not a waste disposal activity.
 - The site area amounts to 3.9 Hectares.
 - The maximum rate of infill will comprise 24,000 tonnes per annum, resulting in a total infill of 175,000 tonnes. Infill will be conveyed by 20 tonne trucks, acceptable infill material will be unloaded and levelled by excavator/dozer. Unacceptable material will not be unloaded and will leave the site.
 - The construction of a wheel wash, weighbridge and alterations to the existing entrance. Refuelling by portable bowser. No lighting on site.
 - The permission is sought for ten years.
 - Working hours will be 0800 to 1700 Monday to Friday and 0800 to 1400 on Saturday.
 - A Natura Impact Statement was submitted as further information, revised public notices refer.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission subject to 10 conditions, most conditions are of a standard and technical nature, notable conditions include:

Condition 2 – 10 year duration.

Condition 4 – Measures outlined in the NIS to be carried out in full.

Condition 6 – composition of infill material entering the site and site level restrictions.

Condition 7 – application for a Waste Facility Permit.

Condition 10 – Railway restrictions in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report 1

- EIA Screening determination – EIAR not required.
- NIS required.
- Site Specific Flood Risk Assessment could have been submitted.
- County Development plan policy objectives support the development at this location. The landscape is classified with a sensitivity value of low.
- Waste water treatment outlined, but no offices on site. Existing water supply to be used.
- In terms of ecology, surveys should be carried out and noise and air quality considered.
- A Traffic and Transport Assessment is required to identify the capacity and geometry of the local road network and provision of adequate on site turning ability

- The design of the site requires additional detail with respect to levels, storage, weighbridge.
- Surface water management desilts are required.

Further Information was requested to address all the matters outlined above.

Report 2

- Turning circle details acceptable.
- Haul route noted.
- Phasing and finished levels noted.
- AA Screening and NIS submitted, measures noted.
- Noise prediction model noted, and noise monitoring proposed.
- Dust mitigation measures and monitoring noted.
- Hydrological Assessment noted, infilling is not related to the 'at risk' status of groundwater.
- TTA noted, proposals acceptable.
- Source of infill material not disclosed, application for a WFP noted.
- Surface Water proposals noted.
- Permission recommended, subject to conditions.

3.2.2. Other Technical Reports

- Roads Section – further information required.
- Environment Section - further information required. Conditions recommended after receipt of FI.

3.2.3. Conditions

The planning authority issued a notification to grant permission subject to 10 conditions, most conditions are of a standard and technical nature, notable conditions include:

- Condition 2 – 10 year duration.
- Condition 4 – Measures outlined in the NIS to be carried out in full.

- Condition 6 – composition of infill material entering the site and site level restrictions.
- Condition 7 – application for a Waste Facility Permit and other technical site details.
- Condition 10 – Railway restrictions in the vicinity.

3.2.4. The consideration of these conditions is carried out within the assessment section of my report, as relevant.

3.3. **Prescribed Bodies**

Irish Rail – no objections, conditions required.

Health and Safety Authority – no observations.

3.4. **Third Party Observations**

3.4.1. A single observation was received, and issues included: ecology and bats, water table and surface water management, dust nuisance, machinery/plant noise and traffic.

4.0 **Planning History**

4.1. **Site:**

4.1.1. None.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The **Galway County Development Plan 2022 -2028** is the operative statutory plan for the area. The site is located in the Central Galway Complex and classified as a landscape with low sensitivity. Chapter 4 Section 4.14 Mineral Extraction and Quarries sets out the following policies and objectives:

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.

DM Standard 18: Extractive Development

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

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.

5.1.2. 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.

5.2. Natural Heritage Designations

- 5.2.1. 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). Note appendix 1.

5.3. EIA Screening

- 5.3.1. EIAR not required, appendix 2 and appendix 3 of my report refers.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party has appealed the notification to grant permission issued by Galway County Council and can be summarised as follows:
- Roads and Traffic – the width of the L2127 is too narrow and has no formal passing places. The proposed haul route along this road will cause a nuisance to local residents. The HGVs that will be used will damage the road and ditches. No measures have been proposed to ensure that no clay or rubble spills onto the road during the course of works.

- Contributions/Bond - No special contribution has been attached to ensure the maintenance of the road if permitted. No cash deposits has been sought either.
- Refuelling – the NIS notes that no refuelling will take place on the site, instead leak proof containers will travel to site, however, it is not clear how refuelling will take place anywhere other than on the site. The issue of fuel spillage has not been addressed. The site is over a regionally important aquifer and it has not been adequately explained how the development will not impact same.

6.2. Applicant Response

6.2.1. The applicant prepared a response to the appeal that addresses each point in turn, can be summarised as follows:

- TTA – the scope of the TTA was highlighted to Galway County Council, the TTA found that impacts to the local road network would be negligible.
- Damage to Roads – at less than 2 trucks per hour, there will be no significant additional impact to road infrastructure.
- Road Spillages – the issue of noise and dust (EcIA) has been addressed and mitigation measures proposed; during wet weather loads will be covered and a wheel wash will be provided. Remedial action will be taken if these measures fail.
- Contributions/Bonds – this is a matter for the planning authority. The proposal is to restore the former quarry site, a bond would be counterproductive and not appropriate.
- NIS – with reference to groundwater protection, the accompanying report concludes that the proposed development over exposed bedrock will be a mitigation measure and improve vulnerability from Extreme to Moderate risk.

In addition to the responses outlined above, the applicant has also submitted six appendices that contain correspondence, TTA (and its accompanying appendices), EcIA, NIS, Refuelling SOPs, and a Hydrological Report.

6.3. Planning Authority Response

6.3.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. This is a third party appeal against the decision of the planning authority to grant permission for the restoration of a former quarry with inert soil and stone in east county Galway. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Roads and Traffic
- Contributions/Bond
- Refuelling

7.2. Principle of Development

7.2.1. The site is situated in a rural part of east county Galway, not subject to land use zoning, located in the Central Galway Complex and classified as a landscape with low sensitivity. I observed upon site inspection that quarrying has ceased for a period of time and that vegetation has recolonised the site. The proposal seeks to infill the former quarry with imported inert soil and stone material, with the lands at the end of the ten-year filling timeline to be returned to agricultural use. The applicant states that the lands are the site of historic quarrying activity over the years, but that the site was exhausted of materials prior to the section 261 process to register quarries. It is explained that all works ceased well before 2005 and no works have been carried out since, and as such the site is de facto a pre 1963 quarry. In this regard, I note no protestations have been made by the planning authority with respect to the status of the former quarry and no enforcement matters pertain to the site. That being the case, the applicant states that the current application seeks to restore the lands to agricultural use.

7.2.2. It is stated in the applicant's further information documents that a Waste Facility Permit will be sought from the Environment Section of Galway County Council, under

European Waste Catalogue (EWC) code 17 05 04 (soil and stone). The development if permitted will be subject to a waste licence which is a separate permitting process. The material will be sourced periodically from locations unknown as of yet, as inert construction and demolition material of clean soil and stone. The infilling of the existing closed quarry, which upon completion allows the land to return to agricultural use, would be a positive development and in keeping with the objectives of the operative development plan. Policy objective MEQ 4 Landscaping Plans of the Galway County Development Plan 2022-2028 relates to Mineral Extraction and Quarries, and while this section is directed mainly at new quarries, I note the following is stated: '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'.

- 7.2.3. County Galway is part of the Connacht-Ulster Waste Region. The area is subject to 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. The plan contains a comprehensive list of policies to achieve the overarching strategy and targets of the plan. In addition, I note that the Galway County Development Plan states a willingness to continue to work in tandem with Connacht Ulster Waste Region and the Environmental Protection Agency in the implementation and execution of its waste management responsibilities and duties throughout the duration of the lifetime of the plan, policy objective WM 1 refers. I am satisfied that the subject scheme is in accordance with the provisions of the county development plan and consequently the Southern Region Waste Management Plan 2015 – 2021. I consider that the principle of the proposed development is acceptable and consider further hereunder other considerations in relation to the potential effects of the development

7.3. Roads and Traffic

- 7.3.1. The appellant has raised concerns about the proposed development and how it will impact upon the local road network. In particular, concerns are expressed with regard to the potential for damage to the road and ditches along the proposed haul

route. The potential for clay spillages and dust emissions are all raised as a nuisance that will impact local residents. The applicant explains that they prepared a Traffic and Transport Assessment (TTA), the conclusion of which was that a negligible impact would arise during the AM peak as a result of the proposed development. The planning authority acknowledged the TTA submitted as further information and attached conditions to the notification to grant permission, conditions 5, 9 and 10 all relate to traffic and road matters.

7.3.2. The appeal site is located in rural east Galway and accessed from a minor county road (L2127), that in turn links with the R347 a short distance to the west. The L2127 passes under a railway bridge with a maximum clearance of 4.11 metres. There is a large and operational sand/gravel quarry located further to the south west of the appeal site and the roads in the vicinity are used by traffic associated with that enterprise. The applicant prepared a TTA produced by Tobin Consulting Engineers and dated July 2023. The TTA examines the surrounding road network, surveys traffic and examines junction safety at the entrance to the site and was prepared in accordance with the relevant guidelines. The TTA models the impact of an average number of 8-9 HGV loads per day up to a maximum of 15 loads per day, table 4.3 refers. I note that it is stated all HGVs will arrive empty and depart full, this is surely an error but would not materially affect modelling outcomes. The trip distribution diagrams detail that all site traffic will approach and depart from the south west and this is logically the shorter route to the national road network. No capacity issues are envisaged and when compared with a no development scenario, a negligible traffic impact is concluded.

7.3.3. The applicant has adequately addressed the current road and traffic environment, and it is reasonable to conclude that the proposed development will not significantly impact the existing scenario. Together with the measures outlined by the planning authority in their notification to grant permission, specifically conditions 5, 9 and 10 that broadly refer to entrance details, errant dirt/debris, road maintenance and the height of vehicles under the nearby railway bridge, I am satisfied that the appellant's concerns can be resolved. I acknowledge that traffic volumes and vehicle type will temporarily change along this short stretch of road, when the restoration works begin. The overall outcome to restore the area to agricultural use outweigh the minor inconvenience to local residents over a fixed time period. I am satisfied that with the

attachment of conditions to control and manage the proposed development will ensure that inconvenience and adverse impacts are kept to a minimum and the developer held accountable for the operation of the facility and the condition of roads in the vicinity.

- 7.3.4. Given the foregoing, I do not anticipate that the proposed development will adversely impact the residential amenities of nearby properties from a traffic perspective. This is due to the anticipated low level of traffic movements and the shortest route to the wider road network lying to the west. Issues to do with damage to public roads as a result of the traffic associated with the restoration development, or spillage of debris/clay can be addressed by an appropriately worded condition if permission is granted.

7.4. Contributions/Bond

- 7.4.1. The appellant considers that a bond or special contribution should have been attached to the grant of permission issued by the planning authority to ensure that roads are kept free from debris and repaired when required.
- 7.4.2. The planning authority attached conditions with respect to issues that concern the public road, but neither a bond or special contribution was attached in this instance. Firstly, I am satisfied that the matters broached in conditions 5 and 9 that relate to errant material being deposited onto the public road are both reasonable and enforceable. I do not consider that a section 48(2)(c) special contribution under the Planning and Development Act 2000 as amended, is warranted on this occasion, As I do not believe that there are any specific exceptional costs not covered by the general scheme that would be incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development alone. I am satisfied that the Galway County Council Development Contribution Scheme sets out relevant charges under Part 2 Industrial / Commercial and other Development, and specifically states that the deposition of inert materials shall not be subject to a levy.
- 7.4.3. In this instance, the imposition of conditions that relate to the duty of care by the operator of the site to the roads used in the vicinity can be adequately dealt with by condition if permission is granted. The attachment of a section 48 condition or special contribution may not be appropriate with respect to the reinstatement

character of the development proposed and the criteria set out in the Galway County Council Development Contribution Scheme.

7.5. Refuelling

- 7.5.1. The appellant is concerned that refuelling of plant on site will take place and that this could have adverse effects upon the environment. It is highlighted that the NIS notes that no refuelling will take place on the site, instead leak proof containers will travel to site, however, it is not clear how refuelling will take place anywhere other than on the site. The appellant states that the site is over a regionally important aquifer and it has not been adequately explained how the development will not impact same. The applicant explains that a hydrogeological assessment states that the proposed development will improve groundwater vulnerability from extreme to moderate. In their view the proposed development will improve matters that concern the environment in the area.
- 7.5.2. For the sake of clarity the appellant is concerned about refuelling on the site and the applicant has not directly addressed this in their response to the grounds of appeal. I note the conclusions reached by the applicant's Hydrogeological Assessment prepared by Hydro-G and dated June 2023. The assessment is thorough, and makes a judgement as to the appropriate infilling of this site and how that will ultimately improve groundwater vulnerability. However, the report does not address refuelling on site during the operational phase of the development as works continue to level the site as material is delivered.
- 7.5.3. As part of the works to restore the site to agricultural use, I can see that the applicant proposes to install a typical and generic wheel wash with drainage to ground and provision of a hydrocarbon boom to collect unlikely hydrocarbon wash from truck wheels. The Environmental Impact Screening Report states that fuel storage and refuelling will not take place on site, section 3.1.2 refers. However, section 3.8 of the applicant's NIS states that refuelling will take place on site from mobile fuel bowsers, but that no fuel will be stored on site. Drawings and layout plans detail the location of a weighbridge and wheel wash but not fuel tanks or a refuelling area. Despite conflicting information on file, it is reasonable to conclude that refuelling of earth moving equipment will have to take place on the site during the restoration works. In addition, indications are that refuelling bowsers will be brought to the site, used as

and when they are needed and not stored on site. In that context, I note that the NIS mentions a Construction and Environmental Management Plan (CEMP) and this would be common practice, with industry standard measures to control pollution. I am satisfied that an appropriately worded condition can address the refuelling aspect of the proposed development and that no fuel tanks will be permanently stored on site. With specific reference to Appropriate Assessment (AA) and designated sites, I address this matter in section 8.0 of my report below.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant and the planning authority. I conclude that there is some uncertainty as to the significance of effects which therefore require further detailed assessment as part of AA. The applicant has submitted an NIS.
- 8.1.2. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required, appendix 1 of my report refers.
- 8.1.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this screening conclusion.

8.2. Natura Impact Statement (NIS)

- 8.2.1. The application included a NIS prepared by Kingfisher Environmental Consultants which examines and assesses potential adverse effects of the proposed development on the Lough Corrib SAC. The applicant's NIS was prepared in line with current best practice guidance and provides a summary of the conclusions of the screening report and a description of the proposed development.
- 8.2.2. The NIS under Section 3.2 identifies and assesses the potential impacts associated with the proposed development on the Lough Corrib SAC. Details of mitigation measures are set out in Section 3.8 of the NIS. The NIS concludes that the development will not result in dust emissions and no potential for contamination to groundwater sources with hydrological connectivity to Lough Corrib.

- 8.2.3. Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the on the conservation objectives of the Lough Corrib SAC, alone or in combination with other plans and projects.

Summary of consultations and submissions

- 8.2.4. The planning authority note the contents and conclusions reached in the NIS and recommend that the measures highlighted are implemented in full, condition 2 refers.

Appropriate Assessment of implications of the proposed development

- 8.2.5. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

- 8.2.6. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

Site Subject to Appropriate Assessment

- 8.2.7. The Lough Corrib SAC (000781) is subject to Appropriate Assessment. A description of Lough Corrib SAC and its Conservation Objectives and Qualifying Interests are set out in the NIS and outlined in appendix 1 of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Aspects of the Proposed Development

- 8.2.8. The operational phase works are described as the importation of inert soil and stone over a period of ten years. The main aspects of the proposed development that could adversely affect the conservation objectives of the European Site assessed include:

- Operation related pollution events on water quality of the SAC via surface water and/or groundwater.

8.2.9. There is no potential for direct impacts on the Lough Corrib SAC i.e. no displacement of species, or the permanent removal of habitat supporting qualifying interest and ecological features of the designated site, as the site is not located within or directly adjacent this SAC. Potential indirect impacts on the qualifying interests of the Lough Corrib SAC have been considered in terms of groundwater connections during the operation phases. Groundwater connections are considered to be limited.

8.2.10. In combination effects with other plans and projects on this European site in view of the site's conservation objectives are considered in Section 3.4, figure 3.4.1 refers no issues are highlighted.

Mitigation

8.2.11. A number of operational phase mitigation measures have been proposed to address potential indirect impacts from surface water and groundwater run-off during operation, in addition to measures relating to the noise and dust.

- Refuelling will take place on site via mobile fuel bowsers, no fuel will be stored on site.
- Emergency Response Procedures that include spill kits.
- Only uncontaminated soil will be brought to site.
- Litter control and skip on site to collect litter, skip located on hardstanding.
- Dust suppression, drive through wheel wash, sprays, low vehicle speeds and load covers.
- Noise, plant will comply with relevant standards.
- Prevention of invasive species.

8.2.12. Overall, I consider that the proposed mitigation measures, are clearly described, and precise, and definitive conclusions can be reached in terms of adverse effects on the integrity of European sites based on the mitigation measures submitted. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short, medium and longer term.

Appropriate Assessment Conclusion

8.2.13. The proposed residential development at Brackloon, Ballyglunin, Tuam, Co. Galway has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.2.14. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site Lough Corrib SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

8.2.15. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Lough Corrib SAC, or any other European site, in view of the sites Conservation Objectives.

8.2.16. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Lough Corrib SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Corrib SAC.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to policy objective MEQ 4 Landscaping Plans, the location of the site in the Central Galway Complex classified as a landscape with low sensitivity, the provisions of the Galway County Development Plan 2022-2028, and the scale and nature of the proposed development, it is considered that the proposed development

would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity, 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.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28th day of August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall apply for a period of ten years from the date of this order. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

Reason: To enable a review of the effect of the development on the amenities of the area.

3. Mitigation and monitoring measures outlined in the plans and particulars, including in the NIS, Ecological Impact Assessment and Hydrogeological Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect biodiversity and to protect the integrity of the European Sites.

4. The developer shall submit annually to the planning authority for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

5. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 175,000 tonnes in total over the period referred to in condition number 2 of this permission and shall not exceed 24,000 tonnes in any one year with the number of deliveries limited to a maximum of 15 number loads per day.

Reason: In the interests of clarity and traffic safety

6. Only clean, uncontaminated soil and stones shall be imported into the site. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and short access way haulage route removed.

Reason: In the interests of clarity and amenity.

7. Detailed design of all surface management measures shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

(a) Details of all native planting proposed on existing and proposed screen berms and details of ongoing care and management of such planting.

(b) A detailed landscape plan, which shall include details of all native planting, hedging and boundary treatment to be undertaken on completion of backfilling.

(c) Details of entrance barrier/gate to the site.

(d) Any clearance of vegetation from the development site shall only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

Reason: In the interest of visual amenity and to safeguard the amenities of the area.

9. The site development works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

10. The detailed design of the entrance, signage and any works to the public road network shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of public safety and amenity.

11. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

12. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during construction and infill development works.

Reason: To protect trees and planting during the construction and infill period, in the interest of visual amenity and biodiversity.

13. During the restoration operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed- (a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays). (b) an L_{Aeq, T} value of 45 dB(A) at any other time.

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

14. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the details and schedule of works adjacent to the railway line that address the matters referred to by Irish Rail in their submission on this application dated 21st December 2022. Any works associated with the proposed development including boundary treatments and landscaping shall ensure that the integrity of the embankment adjacent to the railway line is maintained and that road bridges are protected from damage.

Reason: To protect the railway and in the interests of public safety.

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

01 October 2024

Appendix 1 -

AA Screening Determination

Template 3: Screening the need for Appropriate Assessment

Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the former quarry restoration in light of the requirements of S177U of the Planning and Development Act 2000 as amended. I note the applicant's AA Screening Report and its conclusion that the preparation of an NIS was not necessary. I note the AA screening determination reached by the planning authority and their requirement for the preparation of an NIS.

Description of the proposed development

The proposed development comprises:

- The importation of inert soil and stone material to fill depressions within the former gravel pit, the area to be reseeded and used for agricultural purposes. The activity is described by the applicant as a soil material recovery, not a waste disposal activity.
- The site area amounts to 3.9 Hectares.
- The maximum rate of infill will comprise 24,000 tonnes per annum, resulting in a total infill of 175,000 tonnes. Infill will be conveyed by 20 tonne trucks, acceptable infill material will be unloaded and levelled by excavator/dozer. Unacceptable material will not be unloaded and will leave the site.
- The construction of a wheel wash, weighbridge and alterations to the existing entrance. No fuelling will take place on site. No lighting on site.
- The permission is sought for ten years.
- Working hours will be 0800 to 1700 Monday to Friday and 0800 to 1400 on Saturday.

No measures have been integrated into the proposed development to avoid or prevent negative impacts to any designated sites. This is because any measures

mentioned are industry standard for the type of development proposed and have not been specially designed for the purpose of avoiding impacts on a European site.

Consultations and submissions

There are no relevant issues raised by prescribed bodies consulted or observations received.

At the request of the planning authority the applicant prepared and submitted an NIS.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is 1.3 km.

European Site	Qualifying Interests (summary)	Distance	Connections
Lough Corrib SAC Site code 000297	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	1.3 km	None.

	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>		
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	<p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>		
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Site synopsis and conservation objectives can be found at www.npws.ie

There are no rivers/streams/water features on the site. There is no direct physical, hydrological, or ecological linkages connecting the project site to the European Site.

Likely impacts of the project (alone or in combination with other plans and projects)

The development involves the restoration of a former quarry with infill derived from inert soil and stone. No fuel storage tanks will be located on the site. It cannot be determined with certainty that the proposed development will not result in indirect impacts from groundwater pathways to the nearest designated site.

How project could generate impacts on European Sites

- Size and scale of the proposed development is not out of character with the area and will return farmland to a an area characterized by agricultural enterprises.
- the site is 1.3 km from European Site
- No Land-take
- No Resource requirements
- Emissions will be local and managed on site.
- Duration and timing of works will be ten years
- Extremely limited range of impact factors
- No Ex-situ effects

Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:

- No reduction in habitat area, habitat degradation or fragmentation
- No disturbance to species, reduction in species population and density
- Possibility of changes in ecological functions or features necessary for the qualifying interests e.g. decreased water quality and effects on freshwater species
- Unlikely interference with key interactions that define the structure and function of the site e.g. spread of invasive species.

In combination effects

None.

I consider that such impacts listed above could be significant in terms of the stated conservation objectives of the Lough Corrib SAC when considered on their own in relation to a limited pollution related pressure via groundwater, on some qualifying interest habitats/species.

In the absence of mitigation, the proposed development has a limited potential to result in negative impacts on the Lough Corrib SAC.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant and the planning authority. I conclude that there is some uncertainty as to the significance of effects which therefore require further detailed assessment as part of AA. The applicant has submitted an NIS.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 2 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318460-23		
Proposed Development Summary	The importation of inert soil & stone material for the site restoration of a former gravel pit for a period of ten years & all associated ancillary works, on a site of 3.9 Hectares.		
Development Address	Brackloon, Ballyglunin, Tuam, Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓	The development is of a class specified in Part 2, but it does not exceed the threshold.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	Class 11(b) of Part 2 of Schedule 5 (other projects) - Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule - Sub-Threshold	Application area amounts to 3.9 Hectares and provides for the restoration of a former sand and gravel pit. Intake
			Conclusion
			No EIAR required, however, the applicant has submitted Section 7 A documentation and a Preliminary

			will not exceed 24,000 tonnes per annum	Examination is therefore required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Appendix 3

EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference - ABP-318460-23		
Development Summary	The importation of inert soil & stone material for the site restoration of a former gravel pit for a period of ten years & all associated ancillary works, on a site of 3.9 Hectares, with an annual intake that will not exceed 24,000 tonnes.	
Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and an NIS.
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	County Development Plan was subject to : Strategic Flood Risk Assessment Strategic Environmental Assessment Report SEA Environmental Report Appendix III - Non-Technical Summary SEA Statement Consolidated Natura Impact Report AA Conclusion Statement with Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No. The proposed development involves the importation of clean inert soil and stone material for the filling of a former sand and gravel pit in order to improve the agricultural output of the site. There is a clear consistency in the nature of development in the surrounding area, primarily comprising agricultural grassland.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes. The development involves the importation of clean inert soil and stone material for the filling of a former sand and gravel pit. The proposed development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality. Surface water will be managed on site and discharge to ground in accordance with the Surface Water Management Plan with standard	No

	measures to address potential impacts on surface water and groundwaters in the locality.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No. The proposed development involves the importation of clean inert soil and stone material for the filling of a former sand and gravel pit. The area will be replanted and used for agricultural activity upon completion.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for restoration sites. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures outlined would satisfactorily mitigate potential impacts. No refuelling tanks will be stored on site, refuelling bowsters will be transported to site and removed when not required.	No. No refuelling tanks will be stored on site, refuelling bowsters will be transported to site and removed when not required.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	The development involves the importation of clean inert soil and stone material only. Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature.	No.

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No Surface water will be managed on site and discharge to ground in accordance with a Surface Water Management Plan. Operation of the proposed works that include truck load covers during wet weather and wheel washing, will satisfactorily mitigate emissions from spillages.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is no construction phase to this development, however, on site plant will be maintained and comply with relevant standards.	No. Measures in place to ensure emissions are kept within appropriate parameters.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	The development is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of standard measures to control same, would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	The development would not result in an increase in population, but may marginally increase employment in this area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	No

2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that a Stage 2 Appropriate Assessment (production of an NIS) is not necessary.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Surveys information submitted with Schedule 7A information found no evidence of sensitive species on the site or in the vicinity likely to be affected.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No evidence of historical/archaeological features on the site	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No other such resources not already outlined by the submitted AA Screening Report are on or close to the site.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Site is not located within a flood zone. Hydrological Assessment has been submitted and shows that there will no impacts to surrounding surface or groundwater resources.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No evidence of these risks.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. The TTA details that no significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is not in close proximity to a hospital/schools. There is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of classes 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2023;
- (b) The location of the site on lands that were subject to sand and gravel extraction activities now exhausted, and the existing pattern of development in the vicinity,
- (d) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the absence of any relevant connectivity to any sensitive location,
- (e) the separation distance between the site and any known Archaeological Protection zone,
- (f) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- (h) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the Natura Impact Statement and Ecological Impact Assessment.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____