An Bord Pleanála

Inspector's Report

ABP-319173-24

Development	Construction of Inert Waste Recovery Facility
Location	Mullafarry Townland, Killala, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2360182.
Applicant(s)	BP Mitchell Haulage and Plant Hire Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party.
Appellant(s)	John and Gertie Gardiner.
Observer(s)	None.
Date of Site Inspection	13 March 2025.
Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description

1.1. The site is located in west County Mayo, 10 km to the north-west of Ballina and 2.5 km to the south southwest of Killala. The site lies within rolling countryside. To the west of the site there is located another but larger quarry, it is currently operational. Between the two quarries lies a bungalow and farmstead. Further to the east lies Killala Business Park and Tawnaghmore peak power gas-fired electricity generating station, and, to the north-east, the 6-turbine 20 MW Killala Community Wind Farm.

1.2. The proposed Inert Waste Recovery Facility is located at the northern end of the existing and working quarry. The applicant's quarry is accessed off the local road network, which lies to the west of the R314, the regional road that runs between Killala and Ballina. Water within the quarry is managed by means of a series of settlement ponds positioned downstream of the quarry sump. Rock is quarried and broken up into aggregates and hauled off site via a wheel wash and weighbridge.

2.0 Proposed Development

2.1. The applicant proposes the construction of an Inert Waste Recovery Facility, the detail is as follows:

- The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry.
- Backfilling of the site requires a total of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Proposed soil intake rate during infilling will be 10,000 tonnes to 15,000 tonnes per annum. The site will receive inert C&D, soil, stone and inert dredge spoil materials.
- Material will be delivered to the Site by HGVs and backfilling will progress upwards from the quarry floor and spreading across the site area to match with the topography of the surrounding lands to the North. Unloading will occur within the void and levelling of the incoming soils / C&D material will then be carried out as required by a tracked bulldozer. Typical operations will require a single on-site bulldozer and an excavator periodically.

- The inert waste infill area is contained wholly within the existing void created by quarrying and therefore all surface water run off over the proposed infill area will be contained within the existing quarry void, and treated in the existing permitted water management system at the quarry. The ingress of water into the quarry void is from influent groundwater.
  The water discharge from the site goes to a drain which flows into the Cloonaghmore River. All water from the site is treated prior to discharge off site. There is an existing Discharge Licence to discharge groundwater and surface water from the quarry (ref. no. WP(W)116).
- The duration of the operations will be approx. 10 years, with an additional 2 years required for site closure / after-care.

2.2. Further information was submitted on the 14th November 2023 and comprised the following:

- Updated AA Screening Report and the production of a Natura Impact Statement (NIS).
- Updated EIA Screening report

2.3. Clarification of Additional information with respect to public notices was submitted on the 12th December 2023.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification to grant permissions, subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report 1

- EIA, further information with regard to schedule 7A.
- AA, further information required.

- Description of development to be clarified.

Report 2

- FI submitted acceptable, grant permission.

3.2.2. Other Technical Reports

- Road Design Office – no objections, conditions recommended to do with use of existing entrance, and surface and wheel wash water to be prevented from discharging to the public road.
- Environment Section – responses to FI that concern EIA and AA are acceptable, no further objections.
- Preliminary Flood Risk Assessment Report – no further flood risk assessment required.

3.2.3. **Conditions**

3.2.4. Nearly all conditions are specific to the development proposed and can be headlined as follows:

- Condition 2 – maximum 95,000 tonnes, five year permission.
- Condition 3 – Waste Facility Permit required.
- Condition 4 – Inert soil, peat and stones only.
- Condition 5 – Dust suppression and fuel oil spill kit on site.
- Condition 6 – Compliance with relevant EPA guidance and only uncontaminated soil to be accepted.
- Condition 7 – Methodology regarding layering and compaction.
- Condition 8 – Surface water management.
- Condition 9 – Hours of operation.
- Condition 10 – Site entrance details.
- Condition 11 – Surface water management and site entrance drainage details to avoid water onto public road.
- Condition 12 – Wheel wash.

- Condition 13 – Close off site entrance at end of use.
- Condition 14 – Development Contribution.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Two submissions, issues are similar to those set out in the grounds of appeal, additional issues include the legal obligations of the planning authority are highlighted, so too are the requirements as a competent authority to make assessments in regard to, EIA screening, the Habitats Directive and the Water Framework Directive.

4.0 Planning History

4.1. Site

PA reference: P21/708 Permission for continued use and operation of existing limestone quarry. 11th January 2022.

PA reference: 0219310 Permission for Quarry: Extension of Duration. 15th June 2016.

PA reference: 083620 Asphalt Plant: Extension of Duration Grant with conditions. 27th August 2013.

PA reference: 08362 Permission for Asphalt Plant. 23rd July 2008.

PA reference: 081563 Permission for Retention of workshop etc. 9th December 2008.

PA reference: 021931 Permission for Quarry. 19th November 2004.

4.2. Nearby Sites:

ABP-314861-22 – Permission refused to for a 1.0 hectare extension to an authorised quarry; extraction of material by blasting means down to a level -2.0mOD; transportation of extracted material to the quarry for processing, together with all associated site works. 10 year permission sought.

5.0 Policy Context

5.1. Development Plan

The **Mayo County Development Plan 2022 – 2028** (CDP) is the operative plan for the area and addresses extractive industries in the following policies and objectives:

7.4.2 Waste Management

7.4.2.1 Circular Economy

INP 7 To support the Implementation of the Connacht Ulster Regional Waste Management Plan 2015-2021(as amended) or replacement plan with particular emphasis on reuse, recycling and disposal of residual waste in the most appropriate manner where it can be demonstrated that the development will not have significant adverse effects on the environment, the integrity of the Natura 2000 network, traffic safety, residential or visual amenity.

4.4.10 Extractive Industries

The use of these rehabilitated sites shall be limited to wastes such as soil, stone and subsoils and sites shall be authorised under the appropriate waste regulations. The Planning Authority will have regard to the Department of the Environment's Guidelines for Planning Authorities for Quarries and Ancillary Activities 2004 (and any updated editions) and to the Geological Survey of Ireland 's Geological Heritage Guidelines for Extractive Industries, when assessing applications relating to the extraction industry in the county.

Objective EDO 62 To ensure that the development of aggregate resources (stone and sand/gravel deposits) is carried out in a manner which minimises effects on the environment, including the Natura 2000 network and its sustaining habitats (including water dependent habitats and species), amenities, infrastructure and the community, and can demonstrate environmental enhancement through habitat management plans/ecological restoration.

10.4.7 Landscape

NEO 27 To ensure all development proposals are consistent with the Landscape Appraisal of County Mayo and the associated Landscape Sensitivity Matrix and future editions thereof.

Under the County's Landscape Appraisal (Volume 4 of the plan, CLA), the site lies just within Area G North Mayo Drumlins, which corresponds with Policy Area 4, Drumlins and Inland Lowlands. CLA Policies 21 – 24 are relevant to Policy Area 4. They recognise that this Area is made up of a variety of working landscapes, wherein opportunities exist to utilise existing infrastructure. They encourage development that will not interfere/detract from Lakeland vistas and that "will not result in detrimental impacts (through excessive bulk, scale or inappropriate siting) on the landscape at a local or micro level as viewed from areas of the public realm."

The development impact – landscape sensitivity of quarrying/extraction in Policy Area 4 is deemed to be of "medium potential to create adverse impacts on the existing landscape character. Such developments are likely to be clearly discernible and distinctive, however with careful siting and good design, the significance and extent of impacts can be minimised to an acceptable level."

Section 10.4.9.1 Water Framework Directive

NEO 37 To ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans are fully considered throughout the planning process.

5.2. National Planning Framework and Guidelines

5.2.1. 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.

5.2.2. 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.

5.2.3. **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.

5.2.4. **National Waste Management Plan for a Circular Economy 2024 – 2030**

The Waste Management Act 1996 requires Local Authorities to make a waste management plan either individually or collectively for their functional areas.

The National waste management plan was adopted by the 31 Local Authorities on the 24th February, 2024, and is available here to view National Waste Management Plan for a Circular Economy 2024-2030 - mywaste My Waste

Ireland is moving away from the traditional linear ‘take-make-use-dispose’ model towards a ‘circular economy’ regenerative growth model where resources are reused or recycled as much as possible and the generation of waste is minimised. The transition to a circular economy is essential to reduce pressure on natural resources, aid in achieving climate targets, support Sustainable Development Goals and create sustainable growth and jobs.

The transition to a circular economy requires a collaborative national response across all sectors of the economy through the lifecycle of products and materials.

This plan covers the period 2024 – 2030. It includes, in appendix 9, guidance for siting waste management facilities.

5.2.5. 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.

5.2.6. **Climate Action Plan (CAP) 2024**

The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

Cap 24 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with the Plan in its decision making.

5.2.7. **National Biodiversity Action Plan (NBPA) 2023-2030**

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature". This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

▪ Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

▪ Objective 2 - Meet Urgent Conservation and Restoration Needs

▪ Objective 3 - Secure Nature's Contribution to People

▪ Objective 4 - Enhance the Evidence Base for Action on Biodiversity

▪ Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.2.8. **Water Framework Directive**

The EU Water Framework Directive (WFD) is an important piece of environmental legislation, which aims to improve our water quality. It applies to rivers, lakes, groundwater, estuaries and coastal waters. The WFD requires the preparation of River Basin Management Plans by Member States across three river basin planning cycles (2009-2015, 2016-2021 and 2022-2027) during which management measures must be implemented, to achieve good ecological status in all waters.

River Basin Management Plan 2018-2021 - The Plan sets out a national approach to protecting Ireland's water bodies over the next four years, outlining key actions in areas such as agriculture, wastewater treatment, source protection and resource management.

The 3rd cycle of River Basin Management Plan (RBMP) for the period of 2022-2027 is currently being prepared by Department of Housing, Local Government and Heritage (DHLGH) in line with the EU Water Framework Directive (WFD) (2000/60/EC).

5.2.9. **Quarries and Ancillary Activities Guidelines for Planning Authorities April 2004**

The guidelines are intended to:

- offer guidance to planning authorities on planning for the quarrying industry through the development plan and determining applications for planning permission for quarrying and ancillary activities (Part A);
- be a practical guide to the implementation of section 261 of the Planning and Development Act, 2000 (Part B).

5.3. **Natural Heritage Designations**

5.3.1. Nearby designated sites include: Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036), appendix 3 and 4 refers.

5.3.2. Proposed Natural Heritage Areas: Killala Esker, is located 1km to the north east.

6.0 Environmental Impact Assessment (EIA) Screening

6.1. Having regard to: -

1. the criteria set out in Schedule 7, in particular

(a) the nature and scale of the proposed Inert Waste Recovery Facility development, which is below the threshold in respect of classes 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations as amended, within an established, permitted and operational quarry,

(b) the absence of any significant environmental sensitivity in the vicinity,

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

(d) Environmental Controls: The presence of existing environmental controls at the quarry site designed to limit the potential for significant effects from the proposed development. These controls, include dust suppression, water management system, and noise reduction measures.

2. the results of other relevant assessments of the effects on the environment including the results of the SEA of the County Development Plan under the SEA Directive.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

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

Appendix 1 and appendix 2 of my report all refer

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The appellant is seeking to undertake judicial review proceedings against Mayo County Council, but is exercising their rights to appeal the decision now before the Board. The grounds of appeal are extensive and wide ranging, I have summarised them all below as they are presented by the appellant, however, the issues can be grouped into themes and I present these as follows:

Procedural Matters – invalid newspaper and site notice, planning application questions answered inaccurately and not signed, dates concerning submissions and observations with regard to further information was misleading,

EIA project splitting - the Planning and Environmental Report contains inaccuracies and seeks to avoid the need for need for an EIA. Cumulative effects not addressed.

Hydrology - Matters to do with surface and groundwater are not adequately detailed. No assessment of neighbouring wells, groundwater and pollution. Water Framework Directive not taken into account.

Planning application documentation – the Planning and Environmental Report contains inaccuracies and does not address hydrology, ecology and designated sites adequately.

Conditions – all planning conditions are criticised and comments directed at inaccuracies and inconsistencies relative the matters raised above.

7.1.2. The grounds of appeal have been broken into 10 points by the appellant and include enclosures and reports, the issues can be summarised as follows:

Procedural Matters:

- Point 1 – planning application submission dated 23rd June 2023, matters include:
    a) Newspaper notice invalid, should have referred to Integrated Pollution Prevention and Control Licence or Waste Licence, and the newspaper notice is not signed.

b) Site Notice invalid, should have referred to Integrated Pollution Prevention and Control Licence or Waste Licence, and the newspaper notice is not signed.

c) Planning application form should have stated that an EIAR is required.

d) The site is close to a designated site or NHA.

e) Application form does not refer to 21708, its judicial review proceedings or appeal to the Board.

f) Water supply and wastewater management treatment not referred to in the application form.

g) Waste Facility Permit not referred to in the application form.

h) The application form is not signed and dated.

i) The Planning and Environmental Report is misleading in its reference to farmyard and associated buildings, paragraph 1.5. Main customer of quarry material is Mayo County Council.

j) The Planning and Environmental Report fails to refer to non-compliance and court proceedings.

k) The Planning and Environmental Report states matters of fact, 1.8 Hectare site, back fill cover area 0.7 Hectares, 70,000 cubic metres of fill, 10-15,000 tonnes per annum. Over a period of 10 years. This is designed to avoid the requirement for EIA, it is project splitting

l) Planning and Environmental Report, water management paragraph 1.35, does not take account of existing water supplies in the area. Well drying and pollution frequently occurs.

m) As agreed with the developer new wells were to be provided, this has not occurred.

n) No hydrological assessment has been carried out, reports that accompany the application are not adequate.

o) The site has the potential to cause accidents, a non-compliance with the conditions of planning reference 21708 are pending.

p) Planning and Environmental Report fails to refer to the ongoing differences between the family and the quarry operations.

q) Ecology has not been addressed and nor has noise monitoring.

r) Killala Bay SAC was not considered by the AA Stage 1 Screening Assessment, polluted discharges should have been taken into account.

s) Water Framework Directive, has not been taken into account with reference to surface and ground water pollution.

t) C and D waster should not be placed in a void below the ground water level.

u) Infilling of inert waste streams should only happen once quarrying has finished.

v) The appellant provides submissions with reference to non-compliance with conditions of 021931 dated 2014, 081563 dated 2008, 08362 dated 2008 and 21708 dated 2021.

- Point 2 – Significant further information was received by Mayo County Council, letter dated 13th December 2023, informed that a submission or observation could be made up to 14th February 2024.
- Point 3 – On the 1st February 2024 notification to grant permission issued, but the dates for submission (14th February 2024) had not elapsed.
- Point 4 – Correspondence dated 11th February to enquire why permission had been granted when a submission or observation date had not passed, clarity on the matter has not yet been received from the Council.
- Point 5 – 21708 was not referenced within the application, and is listed in the table at point 5.

Observations:

- Point 6 – sets out the submission in relation to significant further information.

  The qualifications of the experts used to produce environmental related documentation is questioned. Matters to do with surface and groundwater are not adequately detailed.

NIS conclusions are queried and so too are the issues to do with hydrology, given that matters have changed significantly since 2002. Reports have been prepared by the appellant and the groundwater situation is not as it is reported by the applicant. Dried out wells, works have resulted in over toppling well and impacts to potable water supplies. Works have resulted in surface water drawings issues emanating from the applicant's site.

Items A to M, list out EIA Screening Report deficiencies and inaccuracies:

Paragraph 1.6 – minor groundwater flows and sump location not indicated, position for inert fill conflict.

Paragraph 1.7 – rock has been over extracted, outside the terms of permissions 021931 and 0219310.

Paragraph 1.8 – allows for the continuance of over extraction, sump receives water and adjoining lands before being pumped off to lagoons and then onto the appellant's lands.

Paragraph 1.9 disturbed lands refers to appellant's lands.

Paragraph 1.11 the applicant is trying to fix the issues of the 95,000 tonnes of quarry material already removed by not complying with previous permissions.

Paragraph 1.26 cumulative impacts are said to have been considered but how can this be when no monitoring has ever taken place.

Page 14, no hydrology report has been prepared.

Page 17, warning signs are stated as being in position, but this is questioned.

Page 19 drainage channels are referred to, but no hydrology report prepared.

Page 21, lack of information.

Page 22, no supporting information has been submitted to support operations from 2002 to 2022.

Page 23, water issues from two back pipes and over topple a domestic spring well, unacceptable levels of coliforms have been found in the well water.

Page 27, conclusions are not based on all the details necessary and omit to mention local residences only 100 metres away.

- Point 7 – items A to O, all provide an observation with relation to conditions attached to the notification to grant permission as follows:

  A- condition should be attached so that no material can be accepted from Asahi Plant.

  B- Condition 1 refers to site layout, this is not an accurate layout and does not show dimensions and drainage.

  C- Condition 2 refers to annual loads, where is the material coming from?

  D- Condition 3 suggests a Waste Facility Permit may not be required.

  E- Wording of condition 4 unclear and other material could be accepted.

  F- Condition 5 refers to pervious permissions, but none exist for the current site.

  G- Condition 6 refers to contaminated soil, if this is accepted then given the lack of detail concerning hydrology, problems will arise.

  H- Condition 7, no assessment of flood risk has been made, the volumes of water and drainage patterns cannot be managed safely.

  I- Condition 8, no assessment has been made of east west flows.

  J- Condition 9 provides more flexibility in the use of the site, should be Mon to Fri 0800-1900 and Sat 0800 – 1300.

  K- Condition 10 is not clear as the current entrance is from the south side.

  L- Condition 11 is misleading, current entrance is in operation, no drainage drawings or reports prepared.

  M- Condition 12, proposal regarding wheel wash is inadequate for the proposed use.

  N- Condition 13, no boundary details are provided.

  O- Condition 14, no comments.

- Point 8 – no hydrology reports or flood risk analysis prepared for the application. Impacts on wells and flooding occurs, photographs illustrate issues.

- Point 9 – issues are ongoing with reference to wells, water supply and flooding, matters have been agreed through legal action, but actual resolutions are not forthcoming. The matter of agricultural water supply to a slatted shed are no resolved.
- Point 10 – the appellant has commissioned a Site Walkover Report dated January 2024 and it follows three other reports, and an affidavit prepared between December 2021 and July 2023. The reports and affidavit all concern issues to do with hydrology and have been prepared by Envirologic Ltd.

7.2. Applicant Response

7.2.1. A response to the grounds of appeal has been prepared by the applicant and can be summarised as follows:

- Not project splitting, the applicant projects 15,000 tonnes per annum is the likely available inert material to be sourced. 25,000 tonnes is set out for the requirement of EIA.
- Polluted waters do not leave the quarry, a discharge licence is in place. The appellant's comments are directed to the operational quarry not the proposed development.
- Matters to do with judicial review are noted.
- The qualifications of the Chartered Mineral Surveyor are set out.
- Issues to do with hydrology are to do with the operational quarry site, not the proposed development.

7.3. Planning Authority Response

None.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority issued a notification to grant permission and the appellant objects on the environmental and procedural grounds. 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
- Procedural Matters
- EIA project splitting
- Hydrology
- Planning application documentation
- Conditions

8.2. **Principle of Development**

8.2.1. The site is situated in a rural part of west county Mayo, not subject to land use zoning. The existing quarry it is proposed to gradually fill, is located within Area G North Mayo Drumlins, which corresponds with Policy Area 4, Drumlins and Inland Lowlands. CLA Policies 21 – 24 are relevant to Policy Area 4, as set out in the County's Landscape Appraisal (CLA is part of Volume 4 of the statutory plan). The CLA recognises that this Area is made up of a variety of working landscapes, wherein opportunities exist to utilise existing infrastructure. They encourage development that will not interfere/detract from Lakeland vistas and that "will not result in detrimental impacts (through excessive bulk, scale or inappropriate siting) on the landscape at a local or micro level as viewed from areas of the public realm." The development impact – landscape sensitivity of quarrying/extraction in Policy Area 4 is deemed to be of "medium potential to create adverse impacts on the existing landscape character. Such developments are likely to be clearly discernible and distinctive, however with careful siting and good design, the significance and

extent of impacts can be minimised to an acceptable level." In this instance the proposal is to infill an existing quarry as part of a plan to commence and carry on with quarry restoration. The applicant outlines how the proposed recovery of inert waste at the site will partially restore lands previously used for extraction.

8.2.2. I observed upon site inspection that quarrying is ongoing at the site. The proposal seeks to infill the northern end of the quarry with imported inert soil and stone material, for a period of ten years with a short timeline of 2 years for reinstatement, with the lands at the end of the ten-year filling timeline to be returned to agricultural use. The applicant states that the proposed development will partially restore the previously disturbed land to its original, pre-development ground level, thereby enhancing the local landscape and facilitating its return to long-term natural habitat use. However, there are no specific details about the restoration or reinstatement phase of development other than an intention to do so. I note that the area it is proposed to infill comprises a proportion of the overall quarry and therefore specific detail on the final restoration of the overall quarry at this time would be limited. I anticipate that as the long term restoration of this quarry progresses, detailed plans for reinstatement should be required as part of any future consent process.

8.2.3. I am satisfied that the landscape impacts of the proposed development are low and that the development accords with Objective EDO 59 of the county development plan that seeks environmental enhancement through habitat management plans/ecological restoration. From a landscape perspective, an appropriately worded condition should be attached to ensure adequate methods are deployed to ensure the preservation of existing landscape features and boundary treatments associated with the existing quarry site.

8.2.4. It is stated in the applicant's Planning and Environmental Report that a separate waste permit application will be lodged with Mayo County Councils Environment Section, under the following classes of activity:

- Class No. 5 (recovery of excavation or dredge spoil comprising natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste, through deposition for the purposes of the improvement or development of land, where the total quantity of waste recovered at the facility is less than 200,000 tonnes)

- Class No. 6 (recovery of inert waste (other than excavations or dredgings comprising natural materials of clay, silt sand or stone) through deposition for the purposes of the improvement or development of land, where the total quantity of waste recovered at the facility is less than 50,000 tonnes)
- Class No. 13 (storage of waste pending any of the operations R1 to R12).

8.2.5. The applicant's NIS provides more detail in relation to the proposed waste recovery activities, section 3.5 of the NIS refers. It is stated that the proposed facility will not accept construction and demolition waste as originally proposed in the planning application. The facility will accept soil and stones only. 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 operational quarry, is intended to return the lands to their former level, but no other specifics are mentioned. I am satisfied that there are no waste licensing issues to resolve in this appeal.

8.2.6. The current county development plan notes that County Mayo is part of the Connacht-Ulster Waste Region and policy INP 7 seeks to support the Connacht-Ulster Waste Management Plan 2015-2021 (CUWMP). I note that the regional waste management plan framework has been replaced by the National Waste Management Plan For a Circular Economy (NWMPCP) 2024-2030, the national plan now covers the full geographic scope of the State for the period 2024 to 2030 and includes a number of volumes and appendices. Inert waste is discussed under section 5.5 Construction and Demolition Waste Treatment. The NWMPCP includes guidance for Soil and Stone Recovery Facilities (appendix 9), which includes that the location of such a facility is to be within 15 and 20 km of a national road, the N59 is just over 10 km to the south. The subject site complies with this requirement. The Board should note that the 'National Waste Management Plan for a Circular Economy 2024-2030', was published (1 March 2024) this is before the application and appeal / responses were made. From a locational perspective and in light of local, regional and national guidance, I consider that an inert waste recovery facility, is a reasonable use at the location of the permitted working quarry activities in the north west of the country. I consider that the proposed development is acceptable, based on location and that the principle of the proposed development is acceptable

and I examine further hereunder other considerations in relation to the potential effects of the development.

8.3. Procedural Matters

8.3.1. The appellant sees a number of procedural issues that include: invalid newspaper and site notice, planning application questions answered inaccurately and the form not signed, dates concerning submissions and observations with regard to further information were misleading. The appellant has also outlined that they intend to undertake judicial review proceedings against Mayo County Council, details around this claim are not on the file before me.

8.3.2. The appellant's concerns around the procedures administered by the planning authority hinge on public notices, the application form and the mechanism used to inform participants about the procedures around timing of further information responses. The planning authority have not responded to the grounds of appeal. The planning application was lodged with and validated by the planning authority. I do not see how the Board can intervene to correct a process deemed acceptable to the planning authority, if there are errors to correct. In any case, I note that the appellant has successfully lodged an appeal, the planning and environmental matters are addressed in my assessment. To demonstrate engagement with all of the relevant procedural matters raised by the appellant, however, each matter is examined below:

8.3.3. Application Form – The applicant provided are variety of answers to relevant questions posed in the application form, any outstanding matters were addressed by the planning authority in their request for Further Information. With reference to licensing, I note that issues raised can be dealt with under more than one legal code and does not mean that one code has to be applied to the exclusion of the other (e.g. planning and licencing controls). The need to apply for a waste facility permit lies with planning authority. Nowhere else in the documentation available to me is there mention of other licensing regimes that may require the involvement of the EPA, such as a Waste Licence, an Integrated Pollution Control (IPC), a Waste Water Discharge Authorisation, or an Industrial Emissions (IE) licence. The applicant does however, detail that there is an existing Discharge Licence in place (ref no.

WP(W)116). However, where issues are common to the planning and environmental matters under consideration, these are addressed throughout my report.

8.3.4. Site and Public Notices - In terms of procedural matters and the alleged irregularities in terms of the nature of the newspaper and site notices, I note that both matters were considered acceptable by the planning authority. I have already addressed the matter of licensing above, and the need to advertise with respect to a waste facility permit is not required in this instance. I am satisfied that this did not prevent the concerned party from making representations. The assessment that follows represents my consideration of all planning issues material to the proposed development.

8.3.5. Further information – the appellant contends that dates and timing of responses to further information submitted were eclipsed by the date of the notification to grant permission. From the documents available to me on the file, it appears that further information was sought, received and notification issued, though it is not clear to whom the notifications were sent. It also appears that further notification reference the requirement to readvertise on account of Appropriate Assessment. All of those matters fall within the remit of the planning authority and how they discharge their duties under the planning and development act. Some information on the subject from the planning authority would have been helpful, however, I am satisfied that the involvement of the appellant and their engagement with the planning process has not been unduly affected, after all, the appeal is now before the Board.

8.3.6. Natural Heritage Area - The appellant points out that the site is close to a an NHA. The site is located 900 metres south west of the Proposed Natural Heritage Areas: Killala Esker. According to the NPWS, there are 630 proposed NHAs (pNHAs), which were published on a non-statutory basis in 1995, but have not since been statutorily proposed or designated. The applicant prepared an EIA Screening Report, AA Screening Report and NIS and section 3.9.2 and 3.9.3 of the AA Screening Report both refer. Specifically, the applicant states that an analysis of the NHAs and pNHAs in terms of their role in supporting the species using Natura 2000 sites was undertaken. It was determined that given the distance to the nearest site it is unlikely that the proposed development would have any adverse impact or that it would undermine the role of those sites as “stepping stones”. I am satisfied that the matter of potential impacts to NHAs have been addressed.

8.3.7. The appellant is concerned that procedural issues have affected the validity of the planning application in the first place, how it was advertised and the decision made by the planning authority. I cannot be certain, because the information is not on the file, but it may be the case that the legal action that the appellant refers to all concern these procedural matters. I am satisfied that there is no place for the Board to correct these matters, if correction is necessary at all, I am satisfied that a decision on the appeal can be made by the Board.

8.4. **EIA project splitting**

8.4.1. The appellant raises issues about environmental impact assessment and has pointed at the applicant's Planning and Environmental Report, its inaccuracies and attempt to avoid the need for need for an EIA. It is argued that cumulative effects have not been addressed, and project splitting has been undertaken to avoid the preparation of an EIAR. The applicant argues that they are not project splitting, it is projected that 15,000 tonnes per annum is the likely available inert material to be sourced and 25,000 tonnes is set out for the requirement of EIA.

8.4.2. The Office of the Planning Regulator (OPR) in their Practice Note PN02 Environmental Impact Assessment Screening, define project splitting as follows:

> *Project splitting or 'salami-slicing' is the attempt by a developer to deliberately frame a single project as a series of projects, each or some of which fall below the relevant threshold for EIA. It is important to recognise that large developments will often be split into smaller parts with separate consents and this, in itself, is not problematic. The problem only arises where it has the effect of avoiding EIA where it is required under the EIA Directive. This does not mean that the entire project must be treated as a single development subject to a single planning application. The project can be broken into small segments provided these segments are properly screened and assessed under the EIA Directive.*

8.4.3. There are ongoing and permitted quarrying activities at the site, section 1.3 of the applicant's EIA Screening Report provides an overview. The applicant has selected the northern portion of the site to commence infilling and proposed a development accordingly. An EIA Screening Report has been prepared, and I assess that separately at appendix 1 and 2, and at section 6.0 of my report. But at a high level,

this is a discreet project at a particular location within the permitted and operational quarry. Quarry activity will continue within the boundaries of its permission, and it too was subject to EIA, the appellant's comments in relation to the closure of the quarry before infilling is carried out are noted but considered to be unviable. Any future infilling activity will be the subject of a consent process and EIA will be undertaken, the planning authority may consider, after EIA Screening, that an EIAR is required. However, at this stage I am satisfied that the material already submitted by the applicant allow the Board to make a determination as to the need for an EIAR on this occasion, appendices 1 and 2 of my report refer. I am satisfied that project splitting as it has been defined by the OPR will not occur on this occasion.

8.5. **Hydrology**

8.5.1. The appellant is concerned that matters to do with surface and groundwater are not adequately detailed. No assessment of neighbouring wells, groundwater and pollution has taken place, and the Water Framework Directive has not been taken into account.

8.5.2. Firstly, with reference to the Water Framework Directive, I note that the applicant states that there is an existing water management system in place at the quarry. Excess water is discharged via a number of existing settlement lagoons and a hydrocarbon interceptor is positioned to the drain located to the west of the quarry, drawing 2 existing site layout refers. There is a water discharge licence in place for the existing quarry development (Ref. No. WP(W)116). According to the application, the status of water bodies under the Water Framework Directive are not considered as relevant to this application. I note that objective NEO 37 of the county development plan seeks to ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans are fully considered throughout the planning process. The planning authority did not raise adverse environmental impacts with respect any water bodies as a matter of concern and I am satisfied that objective NEO 37 has been complied with.

8.5.3. With reference to the development as it has been proposed, I observe that there are already a number of planning permissions that pertain to the quarrying activity on the overall site, specifically PA reference: 21/708 Permission for continued use and operation of existing limestone quarry, dated 11th January 2022 refers. All relevant

issues including matters to do with the hydrology of the site were addressed in that application and 23 conditions were attached. A hydrology study for the original quarry development (August 2004) was carried out and an updated report as part of PA ref 21708 with respect to groundwater levels, contamination prevention and domestic well impacts was also prepared. Many of the issues to do with water management amongst other things, that raise a concern for the appellant relate to compliance and monitoring conditions attached to that permission by the planning authority. It may be the case that the ongoing operations of the quarry and its compliance with its planning permission are at issue for the appellant and consequently may be the subject of enforcement action, though I have no enforcement details before me. In any case, compliance with a planning permission is a matter for the planning authority to enforce and not the Board. In this instance and taking into account the planning history of the site, I have concerned myself with the matter at hand, the proposal to develop an inert material infill development at the northern portion of the existing quarry and the hydrology issues of that proposal are considered further in the following sections of my report.

8.5.4. At a very high level the applicant describes that the there is a surface water link between Killala Bay/ Moy Estuary SPA and SAC, and the project. Water is discharged into a drain on the western boundary of the site via an existing surface water management system, which flows into a minor tributary of the Cloonaghmore River (forming a small part of the greater catchment area of this river) at a hydrological distance of 0.8 km downstream of the discharge point. The tributary then joins the lower catchment of the Cloonaghmore River at a hydrological distance of 4.3 km downstream from the discharge point. The Cloonaghmore River flows into Rathfran Bay and ultimately Killala Bay at a hydrological distance of 6.3km downstream of the discharge point. Killala Bay forms part of Killala Bay/ Moy Estuary SPA and SAC.

8.5.5. The Water Management section of the applicant's Planning and Environmental Report (dated May 2023) sets out the details with reference to the proposed infill of a total of 95,000 tonnes of imported inert materials within the existing quarry void. It is described that the ingress of water into the quarry void is from influent groundwater. It is explained that careful management of the infill material at this location will ensure that contamination will not occur. In addition, should any pick up of any silt

fines in the quarry occur, primary settlement will be provided in the quarry sump, and secondary settlement will occur in the existing settlement lagoons before it is discharged to a drain which flows into the Cloonaghmore River. Finally, the applicant sets out water management measures and these could be included as part of a suitably worded condition, section 1.45 of the Planning and Environmental Report refers.

8.5.6. The appellant, however, raises specific concerns about the nuisance caused by flooding of his site as a result of ongoing quarry operations at the site. The appellant commissioned a Site Walkover Report (January 2024) prepared by Envirologic. The report highlights inconsistencies between drawings prepared by the applicant and the state of affairs on the ground. In addition, it is highlighted that matters that concern water discharge appear to change from time to time and this is a cause of nuisance for the appellant. With reference to the discharge licence currently in place, it is difficult to ascertain the precise location of outflow and that discharge flow rates are exceeded above that permitted. The report concludes that water discharges to the appellant's lands at a location and rate not permitted, there is a flood risk, a spring well is impacted, there is a lack of mapping and data associated with the ongoing operations of the quarry. All of these matters are a nuisance and cause of concern for the appellant. The appellant also prepared a Discharge Route Survey and Review that all underpin the concerns outlined, together with measures to tackle all of the issues with regard to water discharges and groundwater impacts.

8.5.7. The appellant also commissioned a Stability Assessment of the existing quarry, Fehily Timoney February 2024. The report addresses matters to do with the stability of the existing quarry walls, specifically with reference to the appellant's lands. In this regard I note that the applicant's EIA Screening Report states that the proposed infill will significantly reduce the likelihood of any potential stability issues affecting areas beyond the immediate vicinity of the infill site. The report also highlights how the geology of the quarry impacts groundwater ingress. Ultimately, it is concluded that the overhanging rock farces appear regressive and that over time large scale failures could occur to the detriment of the appellant's lands.

8.5.8. I have examined the appellant's technical reports, and I note their content and findings. The reports support the appellant's general opposition to the ongoing quarry operations and potential non-compliance with existing planning permission

conditions. I have had regard to the permitted operations of the existing quarry and the acceptability of the proposed development in terms of environmental and ecological matters. Subject to appropriate conditions, the proposed inert material facility should be acceptable as a measure to address the void left by the current quarry operations. The overall site is the location of an operational quarry with the relevant planning consents in place and a regime of monitoring conditions to control the activities on site. The enforcement of compliance with these historic conditions is a matter for the operator of the quarry and the planning authority. The application now before the board concerns a proposal to progressively infill the quarry with inert materials. The water management of this element of the proposed development will be controlled in accordance with the existing infrastructure on the site. I am satisfied that with the attachment of suitably worded condition that the operation of the proposed development can be controlled with respect to the potential for adverse impacts to water resources.

8.6. **Planning application documentation**

8.6.1. The appellant is critical of the Planning and Environmental Report submitted with the application, it contains inaccuracies and does not fully address hydrology, ecology and designated sites. The appellant is also critical of the applicant's selection of specialist reports and the credentials of those responsible for preparing same.

8.6.2. The applicant submitted a Planning and Environmental Report, as well as drawings with the original planning application documentation. The planning authority requested further information, the applicant submitted an AA Screening Report and NIS, and an EIA Screening Report prepared in accordance with Schedule 7A of the planning and development regulations. I have already addressed Appropriate Assessment and an EIA Screening Determination in the relevant sections of my report. I am satisfied that all of the relevant material needed to conclude on matters to do with Appropriate Assessment and Environmental Impacts are all on the file. In terms of flood risk and the evidence that has been produced by the appellant, I note the reports prepared and their findings. However, as I have already pointed out if most likely that these matters are best addressed with reference to the ongoing and permitted quarry operations at the site. The proposed development, it has been demonstrated, will not alter the existing state of affairs and will utilise existing water management infrastructure on the site. In this respect, I note that the planning

authority identified no flood risk issues and that no further flood risk analysis as it pertains to the current proposal to infill the quarry are required.

8.6.3. I am guided by the documentation on the file, which I consider to be adequate for the purpose of assessing the planning and environmental impacts of the proposed development. I am satisfied that the Board have enough information before them to make a decision and no further action is warranted with respect to the planning documentation currently on file.

8.7. **Conditions**

8.7.1. The appellant has raised issues with the planning conditions attached by the planning authority, the criticisms and comments are drawn from the inaccuracies and inconsistencies relative to all of the matters raised above. The appellant's comments are detailed at section 7.1 of my report and I am satisfied that relevant matters can be adequately addressed in combination with my assessment of the conditions attached by the planning authority. I have listed the condition according to their order as set out in the notification to grant permission and as they have been addressed by the appellant, as follows:

8.7.2. Condition 1

1. The development shall be carried out in accordance with all documentation submitted to Mayo County Council on 22/05/2023 and superseded by documentation submitted to Mayo County Council on 14/11/2023 and 13/12/2023 and the site layout plan submitted to Mayo County Council on 22/05/2023 except as amended by conditions hereunder. Reason: In the interests of proper planning and development.

I recommend the attachment of the following condition, that includes the matters contained above as follows:

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 14th day of November 2023 and the 13th day of December 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.

8.7.3. The applicant was required to prepare an NIS and an EIA Screening Report, any measures included in either of these reports should be included in condition 2 as follows:

All mitigation measures outlined in the plans and particulars, including the Natura Impact Statement, and EIA Screening Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the integrity of European Sites.

8.7.4. Condition 2

The appellant refers to the origin of the materials required to fill the quarry void and this should be specified and controlled by condition. Specifically, the appellant has concerns that no material should be accepted from the Asahi Plant. The appellant has not clearly specified the origin of materials but has highlighted that the proposed facility will not accept construction and demolition waste as originally proposed in the planning application. The facility will accept soil and stones only and controlled by licence. I am not satisfied that the locational origin of materials is required to be outlined by condition, however, in order to clarify matters the nature of infill should be classified.

The applicant has stated in the Planning and Environmental report 'Description of the Development' paragraphs 1.13 – 1.14, submitted with the Planning Application, the backfilling of the site will require approx. 70,000 m³ (c.95,000 tonnes) of inert waste material. It is estimated that the proposed soil intake rate during infilling will be 10,000t to 15,000t per annum pending future market conditions. The duration of the operations is therefore anticipated to be approx. 10 years, with an additional 2 years required for site closure / after-care. The planning authority did not accept this rationale and restrained permission to 5 years. In the interests of consistency and in order to revisit matters at some point in the future, I consider that it is reasonable to restrict permission as the planning authority have done, condition 3, as follows:

Planning permission is for the receipt of soil and stones only and no construction and demolition waste shall be accepted. This permission will cease to have effect once the site has been filled to the levels specified in the documentation submitted to the planning authority on the 22/05/23 and 14/11/23 or when 95,000 tonnes of material have been imported in total, or when this five-year planning permission expires, whichever situation arises first.

Reason: In the interest of clarity.

8.7.5. Condition 3

The appellant is concerned that a Waste Facility Permit may not be required. Condition 3 attached by the planning authority clarifies this matter. However, I have re-worded as follows:

The facility approved by this order, shall not operate until the appropriate authorisation has been obtained from the planning authority for a waste facility permit, as required.

Reason: In the interests of clarity and proper waste management.

8.7.6. Condition 4

The appellant has concerns that other material could be imported onto the site. I am satisfied that my re-worded condition at condition 2 above clarifies matters.

8.7.7. Condition 5

I am satisfied that dust suppression and spill measures should be carried out on site, these measures have already been considered within the NIS and EIA Screening Report. In addition to those dust and spill measures already ongoing as part of the existing and permitted quarry, condition 5 should be retained as follows:

For the duration of the infilling operation, the applicant shall provide a water bowser/sprayer unit on-site for the purposes of controlling dust as and when required, a spill-kit to be in place and used should a fuel/oil spill occur.

Reason: To reduce dust nuisance impacting on the surrounding environment.

8.7.8. Condition 6

The appellant is concerned that because condition 6 refers to contaminated soil, if this is accepted then given the lack of detail concerning hydrology, problems will

arise. I do not anticipate this to be the case, this permission is limited to soil and stones, monitored and controlled by licence. Condition 6 simply reiterates the applicant's obligations in this regard, the condition should remain, as follows:

The infill activity on the site shall have regard to the EPA's Guidance on Waste acceptance on Waste Acceptance Criteria at Authorised Soil Recovery Facilities (2020), specifically, that material accepted on site will be inspected in accordance with the Guidance, prior to acceptance. Only uncontaminated soil shall be accepted on the site.

Reason: In the interest of proper waste management.

8.7.9. Condition 7

The appellant understands that because no flood risk assessment was carried and the operator's behaviour in relation to water management in general, the infill activity could impact flood risk. I am satisfied that the documentation submitted with the application adequately describes the impacts in relation to water. Condition 7 provides a methodology of approach to the infill activity and should be retained, as follows:

The placing of imported fill shall be carried out in a sequential manner; in layers/lifts of no more than 1 metre thickness – each layer shall be fully compacted prior to placing of the subsequent layer.

Reason: To minimise potential for fill slippage and any associated adverse impact on any adjoining watercourse.

8.7.10. Condition 8

The appellant is concerned that no assessment has been made of east/west flows. This is a matter of concern that relates to water outflows onto the appellant's site. The proposed development has been designed to fit in with the existing and permitted infrastructure of the quarry. Any assessments (AA and EIA) have been carried out in that context, and I am satisfied that the mitigation measures suggested are appropriate. Condition 8 simply repeats these mitigation measures, but can be refined as follows:

Measures shall be implemented (on site) to prevent any sedimentation of and/or increased suspended solids in any surface water drain or other water body on or

adjoining the site. Existing and adequately scaled silt-traps/silt-screens and settling ponds shall be managed and maintained on site as required in this regard.

Reason: To prevent any deterioration in the water quality of any adjoining/nearby watercourse.

8.7.11. Condition 9

Section 1.16 of the applicant's EIA Screening Report states that the working hours at the site are 08:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours Saturday. No operations are carried out on Sundays or public holidays. I recommend that no deviation is permitted, and that the permitted operation hours match those presented by the applicant, as follows:

Site development and works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays.

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

8.7.12. Condition 10

The entrance shall be recessed and splayed in accordance with Section 7.6 of the Mayo County Development Plan 2022-2028, diagram 2 commercial/ agricultural entrance Volume 2 to improve sight visibility at the vehicular access/entrance.

Reason: In the interest of traffic safety.

The appellant is confused by the attachment of condition 10. The applicant proposes to utilise the existing quarry entrance, as it has been permitted and currently operates. I am satisfied that current uses operate safely as they have been permitted to do so and that the minimal increase predicted by the applicant does not necessitate the amendments sought by condition 10.

8.7.13. Condition 11

The appellant believes this condition to be misleading as the entrance is already in operation and no drawings have been submitted with reference to drainage. The applicant relies on the existing entrance as it currently stands, entrance and design drawings have not been prepared. I consider that it reasonable to require the attachment of the condition as worded by the planning authority, as follows:

Drainage shall be provided to the site and any hardstand/site entrance/exit, such that no surface water shall discharge onto the private road or public road. All surface water to be piped to a suitable discharge within the applicant's site. Any drainage ware located within the hardstand/access/entrance areas to be of D400 grade. Roadside Drainage to be Planning and Development Section Áras and Chontae, Castlebar, Co. Mayo www.mayo.ie | 0949064000 maintained at all times. No mud or debris etc shall be deposited onto the public road network during development. The developer shall not cause any water to impinge on the road and shall bear the cost of any works carried out by the Roads Authority to correct any such drainage problem.

Reason: In the interest of proper drainage and traffic safety.

8.7.14. Condition 12

The appellant considers that the proposal regarding wheel wash is inadequate for the proposed use. I observed an operational wheel wash facility on the existing quarry site, at the head of the haul road, the layout drawing refers. I anticipate that vehicles will be required to pass through the wheel wash prior to accessing the weighbridge. In that context, I recommend the following condition:

All vehicles leaving the site shall utilise the existing wheel wash facilities provided on site.

Reason: To keep the public road free from dust and debris.

8.7.15. Condition 13

The appellant highlights that no boundary details were submitted. In the interests of clarity, the applicant proposes to use an existing and permitted entrance, no new entrance is proposed, condition 13 should be omitted.

8.7.16. A suitably worded development contribution condition should be attached, the appellant has no comments to make in this respect. I have also included relevant conditions to retain and maintain trees and hedgerows, to monitor the progress of infill and noise monitoring of the site during infill works.

9.0 Appropriate Assessment (AA) Screening

9.1. Stage 1 Screening

9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, appendix 3 of my report refers. I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on two European Site(s) (Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036.) in view of the sites' conservation objectives. Appropriate Assessment is required.

9.1.2. This determination is based on

- The nature of the works proposed,
- The potential connectivity to designated sites.

9.1.3. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

9.2. **The Natura Impact Statement (NIS)**

9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036 in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required, appendix 4 of my report refers.

9.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036 can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.3. My conclusion is based on the following:

- Detailed assessment of the operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.

9.2.4. The proposed development will not affect the attainment of conservation objectives for the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036.

10.0 Recommendation

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

11.0 Reasons and Considerations

Having regard to Extractive Industry Objective EDO 62, the provisions of the Mayo 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.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of November 2023 and the 13th day of December 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. All mitigation measures outlined in the plans and particulars, including the Natura Impact Statement, and EIA Screening Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the integrity of European Sites.

3. Planning permission is for the receipt of soil and stones only and no construction and demolition waste shall be accepted. This permission will cease to have effect once the site has been filled to the levels specified in the documentation submitted to the planning authority on the 22/05/23 and 14/11/23 or when 95,000 tonnes of material have been imported in total, or when this five-year planning permission expires, whichever situation arises first.

Reason: In the interest of clarity.

4. The facility approved by this order, shall not operate until the appropriate authorisation has been obtained from the planning authority for a waste facility permit, as required.

Reason: In the interests of clarity and proper waste management.

5. For the duration of the infilling operation, the applicant shall provide a water bowser/sprayer unit on-site for the purposes of controlling dust as and when required, a spill-kit to be in place and used should a fuel/oil spill occur.

Reason: To reduce dust nuisance impacting on the surrounding environment.

6. The infill activity on the site shall have regard to the EPA's Guidance on Waste acceptance on Waste Acceptance Criteria at Authorised Soil Recovery Facilities (2020), specifically, that material accepted on site will be inspected in accordance with the Guidance, prior to acceptance. Only uncontaminated soil shall be accepted on the site.

Reason: In the interest of proper waste management.

7. The placing of imported fill shall be carried out in a sequential manner; in layers/lifts of no more than 1 metre thickness – each layer shall be fully compacted prior to placing of the subsequent layer.

Reason: To minimise potential for fill slippage and any associated adverse impact on any adjoining watercourse.

8. Measures shall be implemented (on site) to prevent any sedimentation of and/or increased suspended solids in any surface water drain or other water body on or adjoining the site. Existing and adequately scaled silt-traps/silt-screens and settling ponds shall be managed and maintained on site as required in this regard.

Reason: To prevent any deterioration in the water quality of any adjoining/nearby watercourse.

9. Site development and works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays.

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

10. Drainage shall be provided to the site and any hardstand/site entrance/exit, such that no surface water shall discharge onto the private road or public road. All surface water to be piped to a suitable discharge within the applicant's site. Any drainage ware located within the hardstand/access/entrance areas to be of D400 grade. Roadside Drainage to be Planning and Development Section Áras and Chontae, Castlebar, Co. Mayo www.mayo.ie | 0949064000 maintained at all times. No mud or debris etc shall be deposited onto the public road network during development. The developer shall not cause any water to impinge on the road and shall bear the cost of any works carried out by the Roads Authority to correct any such drainage problem.

Reason: In the interest of proper drainage and traffic safety.

11. All vehicles leaving the site shall utilise the existing wheel wash facilities provided on site.

Reason: To keep the public road free from dust and debris.

12. 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.

13. 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 infill development works.

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

14. During the infill 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 LAr,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 LAeq, T value of 45 dB(A) at any other time.

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

15. 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

23 April 2025

13.0 **Appendix 1 - EIA Pre-Screening**

An Bord Pleanála Case Reference	ABP-319173-24
Proposed Development Summary	Inert Waste Recovery Facility, the detail is as follows: • The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry. • Backfilling of the site requires a total of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Proposed soil intake rate during infilling will be 10,000 tonnes to 15,000 tonnes per annum. The site will receive inert C&D, soil, stone and inert dredge spoil materials. • Material will be delivered to the Site by HGVs and backfilling will progress upwards from the quarry floor and spreading across the site area to match with the topography of the surrounding lands to the North. Unloading will occur within the void and levelling of the incoming soils / C&D material will then be carried out as required by a tracked bulldozer. Typical operations will require a single on-site bulldozer and an excavator periodically. • The inert waste infill area is contained wholly within the existing void created by quarrying and therefore all surface water run off over the proposed infill area will be contained within the existing quarry void, and treated in the existing permitted water management system at the quarry. The ingress of water into the quarry void is from influent groundwater.

		The water discharge from the site goes to a drain which flows into the Cloonaghmore River. All water from the site is treated prior to discharge off site. There is an existing Discharge Licence to discharge groundwater and surface water from the quarry (ref. no. WP(W)116). • The duration of the operations will be approx. 10 years, with an additional 2 years required for site closure / after-care.	
Development Address		Mullafarry Townland, Killala, Co. Mayo.	
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** ✓ Proceed to Q2. **No**
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) 1 Agriculture, Silviculture and Aquaculture 11. Other projects 13 Changes, extensions, development and testing	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	1 Agriculture, Silviculture and Aquaculture Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities	Proceed to Q4

		(Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares Consideration: The site is located in a rural area, however, no field boundaries are to be removed. Any re-contouring is under 5 hectares. 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. The annual tonnage will be 15,000 per annum. The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry. Backfilling of the site requires a total of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Proposed soil intake rate during infilling will be 10,000 tonnes to 15,000 tonnes per annum. The site will receive inert soil, stone and inert dredge spoil materials. This is below the threshold. But may invoke Schedule 5 Part 2 section 13 Changes, extensions, development and testing (a), that states: *(a) Any change or extension of development which would:-*	

		(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and *(ii) 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.* *(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)* When the consideration of cumulative impacts are taken into account concerning an operational development similar in character and itself alone is greater than the relevant threshold. The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry. The development will not meet any extension threshold.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. The annual tonnage will be than 15,000 per annum 1 Agriculture, Silviculture and Aquaculture (a) Projects for the restructuring of rural land holdings,	Preliminary examination required (Form 2) **The applicant has prepared Schedule 7A information, in the form of an EIA**

		undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where recontouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares But may invoke Schedule 5 Part 2 section 13 Changes, extensions, development and testing (a), that states: *(a) Any change or extension of development which would:-* *(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and* *(ii) 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.* *(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)* When the consideration of cumulative impacts are taken into account concerning an operational development similar in character and itself alone is greater than the relevant threshold.	**Screening Report, question 5 of this Pre-Screening Form refers**.

5. Has Schedule 7A information been submitted?		
No		**Screening determination remains as above (Q1 to Q4)**
Yes	✓	**Screening Determination required**

Inspector: _____ **Date:** _____

14.0 **Appendix 2 - EIA Screening Determination**

A. CASE DETAILS	
An Bord Pleanála Case Reference	**ABP-319173-24**
Development Summary	Inert Waste Recovery Facility, the detail is as follows: • The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry. • Backfilling of the site requires a total of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Proposed soil intake rate during infilling will be 10,000 tonnes to 15,000 tonnes per annum. The site will receive inert C&D, soil, stone and inert dredge spoil materials. I note that documentation submitted as part of the further information request, notably the NIS states that the proposed facility will not accept construction and demolition waste as originally proposed in the planning application. The facility will accept soil and stones only • Material will be delivered to the Site by HGVs and backfilling will progress upwards from the quarry floor and spreading across the site area to match with the topography of the surrounding

	lands to the North. Unloading will occur within the void and levelling of the incoming soils / C&D material will then be carried out as required by a tracked bulldozer. Typical operations will require a single on-site bulldozer and an excavator periodically. • The inert waste infill area is contained wholly within the existing void created by quarrying and therefore all surface water run off over the proposed infill area will be contained within the existing quarry void, and treated in the existing permitted water management system at the quarry. The ingress of water into the quarry void is from influent groundwater. The water discharge from the site goes to a drain which flows into the Cloonaghmore River. All water from the site is treated prior to discharge off site. There is an existing Discharge Licence to discharge groundwater and surface water from the quarry (ref. no. WP(W)116). • The duration of the operations will be approx. 10 years, with an additional 2 years required for site closure / after-care.	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the Planning Authority?	**Yes**	Screening Determination was carried out by the planning authority and agreement with the applicant that no EIAR is required, was reached by the planning authority.

2. Has Schedule 7A information been submitted?	**Yes**	Environmental Impact Assessment Screening Report, dated November 2023, prepared by a team of qualified and competent persons and in accordance with Schedule 7 and 7A.
3. Has an AA screening report or NIS been submitted?	**Yes**	AA screening report and an NIS were submitted prepared by a team of qualified and competent persons. The NIS was updated and the relevant public notices, requested by the planning authority are on file.
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**	Question 17 of the planning application form states – Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence? Applicant's answers is NO. Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence? Applicant's answers is NO. According to the applicant's Planning and Environmental Report, dated May 2023 and Environmental Impact Assessment Screening Report, dated November 2023, it is stated, a separate waste permit application will be lodged with Mayo County Councils Environment Section. It is also stated that the Classes of Activity at the site, as specified in Part I of the Third Schedule of the

		Waste Management (Facility Permit and Registration) Regulations 2007 (as amended) are: Class No. 5 (recovery of excavation or dredge spoil comprising natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste, through deposition for the purposes of the improvement or development of land, where the total quantity of waste recovered at the facility is less than 200,000 tonnes) Class No. 6 (recovery of inert waste (other than excavations or dredgings comprising natural materials of clay, silt sand or stone) through deposition for the purposes of the improvement or development of land, where the total quantity of waste recovered at the facility is less than 50,000 tonnes) Class No. 13 (storage of waste pending any of the operations R1 to R12). The Environmental Impact Assessment Screening Report, dated November 2023, states that the Classes of Activity at the site, as specified in Part I of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended) will be: Class No. 5 (recovery of excavation or dredge spoil comprising natural materials of clay, silt, sand, gravel or stone and which comes within the meaning of inert waste, through deposition for the purposes of the

		improvement or development of land, where the total quantity of waste recovered at the facility is less than 200,000 tonnes). According to the NIS, the proposed facility will not accept construction and demolition waste as originally proposed in the planning application. The facility will accept soil and stones only.
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**	Other assessments carried out include: SEA was undertaken by the planning authority in respect of the Mayo Development Plan 2022-2028, as varied. Appropriate Assessment (AA) Strategic Flood Risk Assessment (SFRA)

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
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 site is located within an existing and operational quarry. The nature and scale of the proposed development reflects the surrounding pattern of development on lands. The proposed inert waste facility lies within the boundary of an existing permitted quarry development (ref. no. P21/708), and within the void created by quarrying. The existing permitted quarry extraction area (P. Ref. 02/1931) consists of c. 3.97 Ha. The quarry site covers approx. 6.5 Ha of land. The	No

		proposed infill area covers less than 20% of the overall quarry extraction area.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The development will result in the infilling of a quarry void with inert material to previous ground levels. Backfilling will commence, progressing upwards from the quarry floor and spreading southwards across the site area in a gradual manner to raise the level of the site so that it merges with the topography of the surrounding lands to the North.	No
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?	Yes	Machinery and plant will consume hydrocarbons during the operational phases of development. Land: The proposal involves the use of land, specifically, an area of approximately 1.8 hectares. Within this, a quarry void covering 0.7 ha will be subjected to infilling. The proposed development will facilitate backfilling and part restoration of an existing worked-out	No

		quarry void to long-term natural habitat use and will reduce the footprint of disturbed ground associated with aggregate extraction and associated activities at this quarry location. Soil: The proposal will involve backfilling the quarry void with soil and subsoil and the deposition of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Biodiversity: The infilling of the quarry void with soil and subsoil, followed by flooding, will likely promote biodiversity. The soiled floor can provide a foundation for vegetation to establish, offering habitats for terrestrial and aquatic species. Over time, this can result in a more biodiverse environment compared to an unfilled, flooded quarry. An increase in plant diversity can further attract different insect species and potentially even bird species that might utilise the site for nesting or foraging.	

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?	Yes	Fuel is delivered to the site, on a periodic basis, by a mobile tanker. Quarry plant is refuelled directly by the mobile tanker. No fuel is stored at the site. Spill kits are provided at the refuelling area.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	No toxic or hazardous waste will be produced during the deposition of Inert waste at the subject site. Waste produced from the development will be minimised.	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	Due to the nature of the proposed development and its location within an existing quarry operation, along with the existing and proposed environmental mitigation measures, little or no pollution is expected to arise from this development. Due to the topography of the site, the layout of the proposed development wholly within the void created by quarrying and below surrounding ground levels and the nature of surrounding land	No

		uses, the quarry development is not expected to cause any significant nuisance. In addition, the proposed development will comply with industry-standard environmental emission limit values for dust deposition, noise, vibration and water quality likely to be specified in any grant of permission for the development. Hydrology: There is a surface water link between Killala Bay/ Moy Estuary SPA and SAC, and the project. Water is discharged into a drain on the western boundary of the Site via an existing surface water management system, which flows into a minor tributary of the Cloonaghmore River (forming a small part of the greater catchment area of this river) at a hydrological distance of c. 0.8 km downstream of the discharge point. The tributary then joins the lower catchment of the Cloonaghmore River at a hydrological distance of c. 4.3 km downstream from the discharge point. The	

		Cloonaghmore River flows into Rathfran Bay and ultimately Killala Bay at a hydrological distance of c. 6.3km downstream of the discharge point. Killala Bay forms part of Killala Bay/ Moy Estuary SPA and SAC. The surface water link was identified during the initial application for operation of the quarry (planning ref: 02/1931), and an existing discharge licence is in place (ref: WP (W) 116, granted July 2011) and will remain in place. There will be no change in the amount or quality of water discharged from the Site due to the proposed development, as there will be no change to the surface water management that is already in place at the Site. Water quality monitoring results indicate that the discharge water from the quarry is of good quality and complies with the surface water Environmental Quality Standards (EQS) (S.I. No. 77/2019) and the Discharge Licence. This discharge water mixes with the waters of the	

		Cloonaghmore River which has a large catchment (129km2) 3, and then further mixes 6km downstream with the tidal estuarine waters of Rathfran Bay, which then flow in to Killala Bay. Dust: Dust monitoring at the quarry has been carried out using the 'Bergerhoff' method (refer to Planning and Environmental report). The DoEHLG (2004), Quarries & Ancillary Activities: Guidelines for Planning Authorities and the EPA (2006), Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals) recommend a threshold limit value of 350 mg/m²/day when using the Bergerhoff method. The dust monitoring results show that the dust deposition levels for the quarry are typically within the recommended threshold limit value set out in the DoEHLG (2004), Quarries & Ancillary Activities: Guidelines for Planning	

		Authorities and the EPA (2006), Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals). Dust deposition monitoring will continue to be carried out on a monthly basis at the site. The scope of monitoring programme will be reviewed annually, and subject to the agreement of Mayo County Council it will be amended in the light of previous monitoring results. Through the implementation of the proposed mitigation measures and the proposed dust deposition monitoring it is considered that fugitive dust generated by this development will not result in any significant impact on residential amenity, property or livestock in the vicinity of the site.	

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise: Noise monitoring carried out at the nearest noise receptors (refer to Planning and Environmental report) confirms that the existing development complies with the noise emission limit of 55 dB(A) measured at the nearest noise sensitive location, and are within the recommended threshold limit value set out in Condition 7 of Plan File Ref. No. 02/1931, the DoEHLG (2004), Quarries & Ancillary Activities: Guidelines for Planning Authorities and the EPA (2006), Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals). As no significant changes to the plant operating at the site are proposed, and the proposed development is wholly within the exiting permitted quarry area, the proposed development will comply with the recommended noise emission limits for the industry. .	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	There are no 'dangerous' substances or technologies used at the quarry. Fuel is delivered to the site, on a periodic basis, by a mobile tanker. Quarry plant is refuelled directly by the mobile tanker. No fuel is stored at the site. Spill kits are provided at the refuelling area. A hydrocarbon interceptor forms part of the existing water management system at the quarry and all waters being discharged off site pass through it. The following barrier system has been put in place in the interest of public safety and to prevent public access to the quarry. The barrier system is as follows: • The extraction area has been fenced in accordance with the Mines & Quarries Act. All necessary warning signs are displayed at visible locations along the boundary at appropriate intervals. Through the implementation of the proposed mitigation measures and the proposed dust deposition monitoring it is considered that	No

		fugitive dust generated by this development will not result in any significant impact on residential amenity, property or livestock in the vicinity of the site.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	The impact from any potential major accident at the proposed inert waste facility is expected to be limited, primarily due to its strategic location within the void created by previous quarrying activities. The fact that the facility is confined entirely within this quarry void serves as a natural containment area, significantly reducing the likelihood of any potential stability issues affecting areas beyond the immediate vicinity of the infill site. This containment, by virtue of the quarry's existing topography, effectively localises any risks associated with the facility, ensuring that the surrounding environment and neighbouring landowners remain insulated from the impacts of any unforeseen events. Such a setup not only maximises the use of an already altered	No

		landform but also provides an added layer of safety, containing any issues within the clearly defined and restricted boundaries of the quarry void.	
1.10 Will the project affect the social environment (population, employment)	Yes	The redevelopment of the site could marginally increase the local employment population. This is not regarded as significant given the existing use of the site and the surrounding pattern of land use.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The proposed development relates to a portion of a permitted and active quarry. The proposed use differs little from the existing development. Vehicular traffic will not differ significantly and in practice the importation of material and export of aggregates could ultimately improve the sustainability of traffic movements. There is a permitted and operational quarry to the west. All of these permitted developments have been the subject of environmental impact assessment.	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: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - 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	**Yes**	There are Natura 2000 Environmental Designations i.e. (European Sites) nearby and include: Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036), Proposed Natural Heritage Areas: Killala Esker, is located 1km to the north east. There are several drainage channels running east to west through the Site, which drain into a tributary of the Cloonaghmore River c. 1 km west of the Site. The Cloonaghmore River flows northerly into Rathfran Bay, and ultimately Killala Bay. The Cloonaghmore River is not subject to any statutory non-statutory nature conservation designations, i.e. Special Area of Conservation (SAC), Special Protection Area (SPA), Natural Heritage Area	No - The applicant prepared an NIS by way of further information in order to address matters. Issues to do with Appropriate Assessment are considered in the main body of my report at section 9.0.

		(NHA) or proposed NHA (pNHA). The river is not designated as a salmonid water. The application site is not subject to any statutory or non-statutory nature conservation designations and there are no such sites in the immediate surrounding area. There are two Natura 2000 sites within a 5 km radius. These are Killala Bay/ Moy Estuary SPA (004036) and Killala Bay/ Moy Estuary SAC (000458), which are located approximately 2.25 km and 1.75 km from the Site respectively. Killala Bay/ Moy Estuary SPA and SAC are hydrologically linked to the project, as run-off water from the quarry is discharged into a drain which flows into Cloonaghmore River, which flows into Killala Bay at a hydrological distance of c. 6.3 km between the discharge point and Killala Bay.	

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 affected by the project?	**No**	The site comprises a permitted and operation quarry. The surrounding landscape is characterised by agricultural land with fields predominantly under permanent pasture. It is not proposed to remove any hedgerows or trees as part of the proposed development.	**No**
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**No**	There are no landscape designations or protected scenic views at the subject site. There are no protected structures within or adjoining the site, and the site is not included within an architectural conservation area. There will be no significant landscape or visual impacts as a result of the proposed development. The topography of the existing quarry development, effectively sitting into the ground and thereby almost fully screened, are the main mitigating factors, almost reducing the landscape and visual impact of the proposed development to a minimal amount.	**No**

		There are no items of cultural heritage, archaeological sites or monuments or buildings of heritage interest known within the application area or vicinity. There are no direct or indirect impacts on any known items of cultural heritage, archaeology or buildings of heritage interest in the application area or the vicinity. The proposed development will not require any additional land take.	
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**	The proposed inert waste facility lies within the boundary of an existing permitted quarry development (ref. no. P21/708), and within the void created by quarrying. There is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have set out in Section 9.0 of my report.	**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?	**Yes**	There is an existing water management system in place at the quarry. Excess water is discharged via a number of existing settlement lagoons and a hydrocarbon interceptor to the drain located to the west of the quarry. There is a water discharge licence in place for the existing quarry development (Ref. No. WP(W)116).	**No**
2.6 Is the location susceptible to subsidence, landslides or erosion?	**No**	Partially infilling the quarry void contributes to enhancing ground stability by stabilising quarry walls.	**No**
2.7 Are there any key transport routes (eg 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?	**No**	There are no such adjoining land uses.	**No**
2.8 Are there existing sensitive land uses or community facilities	**No**	There are no such adjoining land uses.	**No**

(such as hospitals, schools etc) which could be affected by the project?			
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?	**Yes**	The proposed development relates to a portion of a permitted and active quarry. The proposed use differs little from the existing development. Vehicular traffic will not differ significantly and in practice the importation of material and export of aggregates could ultimately improve the sustainability of traffic movements. There is a permitted and operational quarry to the west. All of these permitted developments have been the subject of environmental impact assessment.	**No**
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**No**	No transboundary considerations arise.	**No**

3.3 Are there any other relevant considerations?	**No**	No other relevant considerations arise.	**No**
C. CONCLUSION			
No real likelihood of significant effects on the environment.	■	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

1. the criteria set out in Schedule 7, in particular

   (a) the nature and scale of the proposed Inert Waste Recovery Facility development, which is below the threshold in respect of classes 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations as amended, within an established, permitted and operational quarry,

   (b) the absence of any significant environmental sensitivity in the vicinity,

   (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

(d) Environmental Controls: The presence of existing environmental controls at the quarry site designed to limit the potential for significant effects from the proposed development. These controls, include dust suppression, water management system, and noise reduction measures.

2. the results of other relevant assessments of the effects on the environment including the results of the SEA of the County Development Plan under the SEA Directive.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

15.0 Appendix 3 - Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case file: ABP-319173-24**	
Brief description of project	Inert Waste Recovery Facility, the detail is as follows: • The site covers an area of 1.8 hectares (ha). The quarry void that will be subjected to infilling, covers an area of 0.7 ha, the remainder is composed of an access route through the working quarry. • Backfilling of the site requires a total of approximately 70,000 m³ (c.95,000 tonnes) of inert waste material. Proposed soil intake rate during infilling will be 10,000 tonnes to 15,000 tonnes per annum. The site will receive inert C&D, soil, stone and inert dredge spoil materials.

	• Material will be delivered to the Site by HGVs and backfilling will progress upwards from the quarry floor and spreading across the site area to match with the topography of the surrounding lands to the North. Unloading will occur within the void and levelling of the incoming soils / C&D material will then be carried out as required by a tracked bulldozer. Typical operations will require a single on-site bulldozer and an excavator periodically. • The inert waste infill area is contained wholly within the existing void created by quarrying and therefore all surface water run off over the proposed infill area will be contained within the existing quarry void, and treated in the existing permitted water management system at the quarry. The ingress of water into the quarry void is from influent groundwater. The water discharge from the site goes to a drain which flows into the Cloonaghmore River. All water from the site is treated prior to discharge off site. There is an existing Discharge Licence to discharge groundwater and surface water from the quarry (ref. no. WP(W)116).	

	• The duration of the operations will be approx. 10 years, with an additional 2 years required for site closure / after-care.
Brief description of development site characteristics and potential impact mechanisms	The development site is located within the void of a permitted and existing quarry. A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant. The site is not located in proximity to any designated sites.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	The appellant raised broad issues with regard to the environmental and ecological matters.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered, as follows:

- Lackan Saltmarsh and Kilcummin Head SAC 000516
- River Moy SAC 002298
- Bellacorick Bog Complex SAC 001922
- Glenamoy Bog Complex SAC 000500

There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

Table 1

European Site (code)	**Qualifying interests (summary) Link to conservation objectives (NPWS, date)**	**Distance from proposed development**	**Ecological connections**	**Consider further in screening Y/N**
Killala Bay / Moy Estuary SAC 000458	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]	1.8 km	The development site is located completely outside of the SAC boundary, therefore, there is no potential for direct effect.	Y

	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Petromyzon marinus (Sea Lamprey) [1095] Phoca vitulina (Harbour Seal) [1365] https://www.npws.ie/protected-sites/sac/000458 https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000458.pdf 31 October 2012		No potential of hydrological connection via overland flow due to distance. Site potentially hydrologically connected to SAC via Magherabrack River, which is a tributary of the Cloonaghmore River, which connects to Killala Bay. Connection is diffuse due to dilution factor associated with		

			Killala Bay. Connection distance: 10.5km There is potential source-pathway-receptor link is therefore identified.		
Killala Bay / Moy Estuary SPA 004036	Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999] https://www.npws.ie/protected-sites/spa/004036	2.4 km	The development site is located completely outside of the SPA boundary, therefore, there is no potential for direct effect. No potential of hydrological	Y	

	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004036.pdf 28 May 2013		connection via overland flow due to distance. Site potentially hydrologically connected to SAC via Magherabrack River, which is a tributary of the Cloonaghmore River, which connects to Killala Bay. Connection distance: 6.99km Potential source-pathway-receptor link is therefore identified.		

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on either the SAC or SPA.

Sources of impact and likely significant effects are detailed in Table 2 below.

Table 2 - Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Killala Bay / Moy Estuary SAC 000458 - conservation objectives dated 31/10/2012 at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000458.pdf Estuaries [1130]	Indirect pathway to SAC: Water Quality The proposed development has the potential to result in the	A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site

Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Petromyzon marinus (Sea Lamprey) [1095] Phoca vitulina (Harbour Seal) [1365] https://www.npws.ie/protected-sites/sac/000458	leaching of contaminants from materials deposited at the site into freshwater eco-systems. The probability of this occurring is low due to the nature of the materials that are proposed to be deposited on the site. Furthermore, the probability of any potential contaminants reaching the SAC is low as the surface water hydrological connection between the site and the SAC is very distant (10.5km). Water is discharged into a drain on the western boundary of the site via an existing surface water	is located within the Likely Zone of Impact and is considered further in this assessment. Potential water quality effects require more detailed consideration via Stage 2 Assessment.	

	management system, including a hydrocarbon interceptor. The drain is connected to the Magherabrack River, which is a tributary of the Cloonaghmore River. The Annex II species sea lamprey Petromyzon marinus are considered to be sensitive to quality impacts (Maitland, 2003). Heavy siltation and slow currents have been noted as Unfavourable for larval lampreys (Kelly and King, 2001). The Annex II species harbour seal Phoca vitulina is at the top		

	of the food chain and therefore may be affected by pollutions that have bioaccumulated in their food. Although the probability and scale of any significant effects occurring are very low, however having regard to the precautionary principle, this element of the project is further assessed via a Stage 2 Assessment and a Natura Impact Statement has been prepared.		
	Likelihood of significant effects from proposed development (alone): **Yes**		
	Impacts	**Effects**	

Killala Bay / Moy Estuary SPA 004036 conservation objectives dated 28/05/2013 at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004036.pdf Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999] https://www.npws.ie/protected-sites/spa/004036	Indirect pathway to SPA: Water Quality The proposed development has the potential to result in the leaching of contaminants from materials deposited at the site into freshwater eco-systems. The probability of this occurring is low due to the nature of the materials that are proposed to be deposited on the site. Furthermore, the probability of any potential contaminants reaching the SPA is low as the surface water hydrological	A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment. Potential water quality effects require more detailed consideration via Stage 2 Assessment.	

	connection between the site and the SAC is very distant (6.99km). Water is discharged into a drain on the western boundary of the site via an existing surface water management system, including a hydrocarbon interceptor. The drain is connected to the Magherabrack River, which is a tributary of the Cloonaghmore River. Where in rivers, the single direction flow flushes out sediments and pollutants, in estuaries, there is a constant balancing act between the up-estuary		

	saltwater movement and down-estuary freshwater flow. Rather than quickly flushing water and pollutants through its system, an estuary often has a lengthy retention period. Consequently, waterborne pollutants, along with contaminated sediment, may remain in the estuary for a long time. In a worst-case scenario therefore prolonged uncontrolled leaching of contaminants could overtime lead to the deposition of such contaminants in estuarine habitats in localised parts of the Cloonaghmore		

	Estuary. The exposure to such contaminants could alter habitats and contribute to shifts in the composition of estuarine biotic communities. For example, mobile species such as wetland birds may simply move away from a contaminated area, where as sessile species may either acclimatise to the conditions or it may lead to mortality of those species. In this respect waterbirds are viewed as important bio-indicator because they exhibit conspicuous and meaningful responses to the changes of the		

	wetland habitats. These responses serve as important signs of contamination and deterioration of ecosystem quality. The Conservation Status of all 8 SPA Special Conservation Interests is currently considered to be favourable, supporting the WFD status for the coastal waters of Rathfran Bay downstream of Cloonaghmore Estuary as “good”. Although the probability and scale of any significant effects occurring are very low, however having regard to the precautionary		

	principle, this element of the project is further assessed via a Stage 2 Assessment and a Natura Impact Statement has been prepared.		
	Likelihood of significant effects from proposed development (alone): **Yes**		

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice methods, the proposed development has the potential to result significant effects on the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. Further assessment in-combination with other plans and projects is not required at screening stage.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on two European Site(s) (Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036.) in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on

- The nature of the works proposed,
- The potential connectivity to designated sites.

16.0 **Appendix 4 - Appropriate Assessment - AA Determination**

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination at appendix 3 of my report, the following is an appropriate assessment of the implications of the proposed development of an inert soil facility in view of the relevant conservation objectives of the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036 based on the scientific information provided by the applicant. The information relied upon includes the following: • Natura Impact Statement prepared by Irene Curran BSc MSc Dip MRTPI. • Appropriate Assessment Screening Report prepared by Irene Curran BSc MSc Dip MRTPI. • Planning and Environmental Report. • EIA Screening Report

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures (Table 4.4 of the NIS refer) designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Third Party appellant issues include the following:

- Killala Bay SAC was not considered by the AA Stage 1 Screening Assessment, polluted discharges should have been taken into account.

Killala Bay / Moy Estuary SAC 000458:

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation

See Tables 3.2 and 3.4 AA Screening Report

See Section 4.4 NIS

Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 4.4
Narrow-mouthed Whorl Snail	To maintain the favourable conservation condition of	The application site is 1.77km south-west of the SAC at its closest point.	Waste Acceptance The proposed facility will not accept construction and demolition waste as originally

	Narrow-mouthed Whorl Snail in Killala Bay/Moy Estuary SAC.	Potential contamination of surface water sources that have a hydrological connection to the Killala Bay / Moy Estuary SAC 000458, are identified, as follows: Although unlikely, in a worst case scenario prolonged leaching of contaminants could overtime lead to the deposition of such contaminants in estuarine habitats in localised parts of the Cloonaghmore Estuary. The exposure to such contaminants could alter habitats and contribute to shifts in the composition of estuarine biotic communities. The material that it is proposed to deposit at the application site comprises naturally occurring soil, stone	proposed in the planning application. The facility will accept soil and stones only. Waste Recording Details of each waste consignment brought to the site will be recorded on the site register and shall include, as a minimum, all information required by the waste facility permit issued by Mayo County Council. Waste Testing Due regard will be had to the EPA publication 'Guidance on waste acceptance criteria at authorised soil recovery facilities' (EPA, 2020).	

		and broken rock excavated in the course of construction projects. Given that the risk of potential effects is associated with the risk uncertainty over the composition of materials being accepted at the site. It is therefore considered that the implementation of best practice mitigation measures can eliminate the potential for the project to discharge contaminated surface water to the SAC.		
Sea Lamprey	To maintain the favourable conservation condition of Sea Lamprey in Killala Bay/Moy Estuary SAC,	As above		

Estuaries	To maintain the favourable conservation condition of Estuaries in Killala Bay/Moy Estuary SAC.	As above	As above	
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Killala Bay/Moy Estuary SAC	As above	As above	
Salicornia and other annuals colonizing mud and sand	To maintain the favourable conservation	As above	As above	

	condition of Salicornia and other annuals colonizing mud and sand in Killala Bay/Moy Estuary SAC			
Atlantic salt meadows (Glauco- Puccinellietalia)	To maintain the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia) in Killala Bay/Moy Estuary SAC	As above	As above	
Harbour Seal	To maintain the favourable conservation condition of Harbour Seal in	As above	As above	

	Killala Bay/Moy Estuary SAC			
Embryonic shifting dunes	To restore the favourable conservation condition of Embryonic shifting dunes in Killala Bay/Moy Estuary SAC,	As above	As above	
Shifting dunes along the shoreline with Ammophila arenaria (white dunes)	To restore the favourable conservation condition of Shifting dunes along the shoreline with Ammophila arenaria (white dunes) in Killala Bay/Moy Estuary SAC,	As above	As above	

of Fixed coastal dunes with herbaceous vegetation (grey dunes)	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes) in Killala Bay/Moy Estuary SAC	As above	As above	
Humid dune slacks	To maintain the favourable conservation condition of Humid dune slacks in Killala Bay/Moy Estuary SAC	As above	As above	
Other QI's				
None.	None	None		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.	
Assessment of issues that could give rise to adverse effects view of conservation objectives **(i) Water quality degradation** Given the possibility of a hydrological connection between the proposed inert soil facility to the SAC, the potential for the project to discharge contaminated surface water to the SAC cannot be eliminated. **Mitigation measures and conditions** The implementation of best practice mitigation measures are proposed and outlined at section 4.4 of the NIS, and include Waste Acceptance The proposed facility will not accept construction and demolition waste as originally proposed in the planning application. The facility will accept soil and stones only. Waste Recording Details of each waste consignment brought to the site will be recorded on the site register and shall include, as a minimum, all information required by the waste facility permit issued by Mayo County Council. Waste Testing Due regard will be had to the EPA publication 'Guidance on waste acceptance criteria at authorised soil recovery facilities' (EPA, 2020).	

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of my Inspectors Report.	
In-combination effects I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.	
Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Killala Bay/Moy Estuary SAC. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. **Reasonable scientific doubt** I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.	

Site Integrity The proposed development will not affect the attainment Conservation objectives of the Killala Bay/Moy Estuary SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.				
Killala Bay/Moy Estuary SPA **[004036]** **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(ii) Water quality degradation** **See Tables 3.3 and 3.5 AA Screening Report** **See Section 4.4 NIS**				
Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (as relevant - summary)**	**Potential adverse effects**	**Mitigation measures (summary) NIS SECTION 4.4**	
Ringed Plover	To maintain the favourable conservation condition of Ringed	The application site is 2.39km south-west of the SPA at its closest point.	Waste Acceptance The proposed facility will not accept construction and demolition waste as originally proposed in the	

	Plover in Killala Bay/Moy Estuary SPA	Potential contamination of surface water sources that have a hydrological connection to the Killala Bay / Moy Estuary SPA 004036, are identified, as follows: Although unlikely, in a worst case scenario prolonged leaching of contaminants could overtime lead to the deposition of such contaminants in estuarine habitats in localised parts of the Cloonaghmore Estuary. The exposure to such contaminants could alter habitats and contribute to shifts in the composition of estuarine biotic communities. The material that it is proposed to deposit at the application site comprises naturally occurring soil, stone	planning application. The facility will accept soil and stones only. Waste Recording Details of each waste consignment brought to the site will be recorded on the site register and shall include, as a minimum, all information required by the waste facility permit issued by Mayo County Council. Waste Testing Due regard will be had to the EPA publication 'Guidance on waste acceptance criteria at authorised soil recovery facilities' (EPA, 2020).	

		and broken rock excavated in the course of construction projects. Given that the risk of potential effects is associated with the risk uncertainty over the composition of materials being accepted at the site. It is therefore considered that the implementation of best practice mitigation measures can eliminate the potential for the project to discharge contaminated surface water to the SAC.		
Golden Plover	To maintain the favourable conservation condition of Golden Plover in Killala	As above	As above	

	Bay/Moy Estuary SPA			
Grey Plover	To maintain the favourable conservation condition of Grey Plover in Killala Bay/Moy Estuary SPA	As above	As above	
Sanderling	To maintain the favourable conservation condition of Sanderling in Killala Bay/Moy Estuary SPA	As above	As above	
Dunlin	To maintain the favourable conservation condition of Dunlin in	As above	As above	

	Killala Bay/Moy Estuary SPA			
Bar-tailed Godwit	To maintain the favourable conservation condition of Bar-tailed Godwit in Killala Bay/Moy Estuary SPA	As above	As above	
Curlew	To maintain the favourable conservation condition of Curlew in Killala Bay/Moy Estuary SPA	As above	As above	
Redshank	To maintain the favourable conservation condition of Redshank in Killala	As above	As above	

	Bay/Moy Estuary SPA			
Wetlands	To maintain the favourable conservation condition of wetland habitat in Killala Bay/Moy Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	As above	As above	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects: (i) Water quality degradation As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for bird species. Mitigation measures and conditions				

As above for SAC	
In-combination effects I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.	
Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Killala Bay/Moy Estuary SPA [004036]. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. **Reasonable scientific doubt** I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. **Site Integrity**	

The proposed development will not affect the attainment Conservation objectives of the Killala Bay/Moy Estuary SPA [004036]. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.
Appropriate Assessment Conclusion: Integrity Test In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036 in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036 can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following: • Detailed assessment of the operational impacts. • Effectiveness of mitigation measures proposed. • Application of planning conditions to ensure application of these measures. • The proposed development will not affect the attainment of conservation objectives for the Killala Bay / Moy Estuary SAC 000458 and the Killala Bay / Moy Estuary SPA 004036.