



Inspector's Report

PL-500533-GY-25

Development

Permission for further development of a quarry permitted under PI. Ref. P09/415 consisting of continue extraction activities and all associated works.

A Natura Impact Statement (NIS) was submitted with the application.

Location

Ballysheedy and Sheeaun (Kiltartan) TD.
Gort, County Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2560256

Applicant(s)

John Madden and Sons Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Noelle Eakins
Elizabeth Kelly

Observer(s)

Áine McCann

Date of Site Inspection

6th March 2026

Inspector

Sarah O'Mahony

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	4
3.0	Planning Authority Decision	6
4.0	Planning History.....	12
5.0	Policy Context.....	13
6.0	EIA Screening.....	16
7.0	The Appeal	17
8.0	Assessment	26
9.0	Appropriate Assessment.....	40
10.0	Water Framework Directive.....	41
11.0	Recommendation.....	42
12.0	Reasons and Considerations	42
13.0	Conditions.....	42

[Appendix 1: Appropriate Assessment](#)

Appendix 2: Water Framework Directive Screening

1.0 Site Location and Description

- 1.1. The 3.9074ha site is situated in a rural area 2km southwest of Gort, Co. Galway and 400m west of the M18 motorway. The Clare-Galway border is situated 2.5km west of the site.
- 1.2. The site comprises an inactive quarry where all overburden has been removed. There are some HGVs on site as well as existing fencing, water boreholes, a fuelling pad and site office/portacabin and large stockpiles of graded stone. There is a large area fenced off to the west comprising a fully excavated quarry void which is now a lagoon with tall cliff faces. This area is referred to throughout this report as the western void and does not form part of the subject site. It received a grant of substitute consent in 2024 and is subject to a rewilding and revegetating plan with no future extraction proposed.
- 1.3. The subject site itself has two general ground levels, the upper or higher is at the south and east where you enter the site and the lower ground level is at the northwest adjacent to the western void. There is a 5-8m high cliff face with ramped vehicular access between the two. It is evident that blasting occurred at the lower level creating the cliff face with loose rock noted awaiting mechanical extraction however this activity appears to be a number of years old with no evidence of recent extraction on the site.
- 1.4. The site is enclosed with stockproof fencing and beyond this, at the boundaries, there is a variety of hedgerows and treelines.
 - 1.4.1. A recorded monument GA128-021 (Ringfort-Cashel) was located to the north within the former quarry and was subsequently impacted by the quarry works. It is situated 20m outside the red line site boundary for this subject application but within the blue land ownership line. There is also a pair of recorded monuments situated 280m east of the site and outside the ownership of the site. The reference numbers are GA128-014 and 014001 and they refer to a ringfort/cashel and a souterrain respectively.
- 1.5. There is a dwelling situated directly southeast of the vehicular entrance which also represents the closest dwelling to the extraction area. There is a commercial/light industrial property situated at the northwest of the entrance, southwest of the extraction area. All other adjoining land is agricultural in nature.
- 1.6. Access is provided from a local road (L4514) at the southwest via a 536m surfaced private road/laneway. The proposed 20km haul route will exit the site and turn left on

the L4514 local road until it meets a T-junction 1.25km southeast with another local road also referred to as the L4514 on public GIS datasets and known locally as the Tubber Road or R458. This road and the proposed haul route cross the M18 motorway via an overpass and travel north to Gort, through the town centre before entering the motorway where it will then exit at junction 17 and travel 1.3km east to the applicant's asphalt plant north of Gort at Ardrahan.

- 1.7. There is a noticeable difference between the two sections of the L4514 in that the 1.1km section between the vehicular entrance to the subject site and the T-junction with the R458 comprises a narrow single carriageway road while the Tubber Road itself between the T-junction and Gort comprises a well surfaced and lined road carrying a single carriageway in both directions. There are a high number of detached dwellings directly accessing the L4514.

2.0 Proposed Development

- 2.1. A 10 year planning permission is sought for the further development of a quarry for the extraction of materials (aggregates, stone, and crushed rock) over an area of c. 2.851 ha (total site area is 3.9074 ha) that largely coincides within a full existing quarry development permitted under PI. Ref. P09/415 to a final depth of 30.50 mAOD.
- 2.2. The development consists of:
 - (a) Proposed continue extraction activities in the existing quarry void above the watertable, and to laterally extend the existing quarry void to the east and south;
 - (b) Extraction of a total volume of 325,000 tonnes on site over an area of c. 2.851 ha;
 - (c) Proposed tarmac surface and ramped surfaces, landscaping, and indigenous tree planting;
 - (d) Preservation and augmentation of the existing vegetation and planting;
 - (e) Provision of site drainage infrastructure;
 - (f) Existing septic tank to be decommissioned and all associated piping to be removed;
 - (g) Installation of a proposed polishing filter and treatment plant;
 - (h) Proposed maintenance track access gate and associated safety fence;

- (i) Construction of an area dedicated to truck parking and car parking;
- (j) Mineral processing activities, the loading of materials, the transportation of materials from the quarry and all related ancillary works related to the same;
- (k) All associated site development and operational works; and
- (l) All ancillary apparatus and site development works above and below ground, including soft and hard landscaping and drainage infrastructure;
- (m) The recovery of inert waste arising from construction & demolition (C&D) activity, via the importation of inert material (under Waste Facility permit or as by End of Waste (in accordance with Article 28 of the European Communities (Waste Directive) Regulations 2011 (as amended)) and the operation of an inert recycling facility to create recycled aggregates in accordance with the National End-of-Waste Criteria-Recycled Aggregates (EoW-N001/2023);
- (n) Propose to restore the site, through the excavation and backfilling of areas;
- (o) Restoration of quarry to its surrounding/former ground level using naturally occurring materials, principally inert soil and stone generated by construction and development activity and imported as waste under Waste Facility permit or as by-product (in accordance with Article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended)); and
- (p) Site restoration will be carried out on a phased basis, final restoration and decommissioning will be carried out following the cessation of the final extraction and fill works.

2.3. The following documents were submitted with the application together with all statutory public notices, drawings and application form etc.

- Planning Report
- Natura Impact Statement
- EIA Screening Report
- Civil Works Design Report
- Planning and Environmental Considerations Report including Traffic chapter in a separate document.

- Site Characterisation Form.

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. 4no. items of further information were sought as follows:

1. (a) A Peregrine Falcon Conservation Management Plan

(b) A bat survey with particular regard to the Lesser Horseshoe Bat due to the presence of roosts at sites close to the quarry.

(c) An updated post operation landscape plan including restoration measures, timeframes and monitoring regimes.

(d) Update the PECR to ensure analysis of the surrounding Annex I Limestone Pavement is fully considered.

(e) Update the PECR to include for mitigation measures specific to the proposed development. The reliance on mitigation measures for previous developments approved on site are not sufficient and full analysis and detailed mitigation measures shall be investigated specific to the development as proposed.

2. Submit a Construction Environmental Management Plan (CEMP).

3. Submit an updated site layout plan to clearly detail necessary “Stop” signage and associated road marking.

4. Submit a designated haulage route serving the development which shall restrict all generated traffic movements (including all associated quarry movements and in particular pertaining to LGV +HGV axles) to access the development only from the south-eastern direction to the public link road onto the L4514.

3.1.2. The applicant’s response included:

- A Biodiversity Management Plan incorporating peregrine falcon measures. It sets out biodiversity enhancement measures which, it states, *‘will protect the existing biodiversity within the proposed development site including fauna and habitats such as hedgerows and treelines. With continuous management and implementation of*

the measures, the biodiversity value of the proposed development site will be increased.'

- A Bat Survey concluding there will be no negative impact to bats on the site due to the lack of vegetation already on the site currently and lack of identified roosts on the site. No mitigation is proposed and a net positive impact is predicted following completion of restoration proposals.
- Updated landscape mitigation plan with timeframes and deliverables.
- A Soil and Geology addendum to the PECR which involved a site walkover carried out by the Agent's ecologist and geologist confirming an absence of limestone pavement on the site or adjacent to the extraction area and subsequently no impacts are predicted on this habitat.
- A CEMP.
- Updated vehicular access drawings with the required stop signage and road markings as well as left turn only signage for vehicles exiting the site.
- Haul route drawing.

3.1.3. The applicant's response states that all mitigation measures specified in the PECR are site specific and will be implemented by the Applicant in the event of a grant of planning permission.

3.2. **Decision**

3.2.1. Galway County Council issued a Notification to Grant Permission on 15th December 2025 subject to 15no. conditions including 6(i) as follows:

'The quarry shall operate to its present output, whereby Quarry traffic movements of existing access shall not exceed the permitted weekly and annual generated trips as stated within Traffic and Transportation Assessment – Traffic Chapter, Trip Generation insofar the total number of two way HGV traffic movements serving the site each permitted week/annum shall not exceed 5,250 trips/annum and shall not exceed 109 trips per week.'

3.2.2. Condition no. 13 also required the Developer to monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which was required to be agreed in writing with

the planning authority prior to commencement of development. Monitoring results were required to be submitted to the planning authority on an annual and quarterly basis for groundwater, surface water, noise, ground vibration and dust. Part (e) of this condition required the Developer to comply with *'any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.'*

3.2.3. Condition no. 14 requires a minimum protective buffer distance of 150 metres between the identified Peregrine nest ledge and any locations where blasting is to be carried out during the bird breeding season and for unspecified monitoring to be carried out.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- There are two case planner's reports, one recommending further information and the latter assessing it.
- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) issues were screened out.
- With respect to Appropriate Assessment (AA), the first report states:

'The Planning Authority has concerns that the submitted NIS does not adequately provide sufficient information to determine whether the proposed development will adversely affect the integrity of the East Burren SAC, the Coole Garryland Complex SAC, and the Caherglassaun Complex SAC, either individually or in combination with other plans and projects, in view of the site specific conservation objectives, and in view of the correspondence received from the DAU. The planning authority require further information in order to complete the AA Screening of the proposed development including that required by the Department.'

The second report does not update this conclusion and new text referring to the further information response does not refer to AA. It does however conclude by saying *'It is considered that the applicant has adequately addressed the further information request.'*

- The report states '*the principle of the proposed land use at this location is deemed acceptable in terms of land use policy context*'.

3.3.2. Other Technical Reports

- Roads Department: Two reports received, both outlining conditions.
- Heritage Officer: No response.
- Environment Department: Report received noting a lack of authorised waste facilities in the county for construction and demolition waste and therefore any additional sites '*are welcome*'. It recommends conditions such as an Environmental Management Plan and mitigation such as acoustic barriers and sprinkler systems.

3.4. Prescribed Bodies

- Development Applications Unit of DoHLGH: A Peregrine Falcon Conservation Management Plan is recommended. Potential impacts on Bats have not been adequately assessed. Annex I Limestone Pavement surrounds much of the existing quarry, including bordering the current application site boundary. This has not been considered in the report. Mitigation measures should be proposed in relation to the potential impacts of the proposed quarrying activities associated with this current planning application. Clear and specific aims/objectives should be set for restoration, and measures to achieve these should be specified, with detailed maps and drawings included as necessary as well as an ecological and environmental monitoring programme. No updated construction environmental management plan (CEMP) accompanies this application. Competent National Authorities are to authorise activity only if they have made certain that it will not adversely affect the integrity of a European site and, consequently, not likely to give rise to deterioration or significant disturbances within the meaning of Article 6(2).
- An Taisce: A WFD assessment should be carried out and clarification sought on the presence of peregrine falcon and Lesser Horseshoe Bat on the site as well as wider ecological surveying and an EclA.
- Fáilte Ireland: No response.
- The Heritage Council: No response.

- National Environmental Health Service: The submission notes that the development has the potential to impact on air, noise, landscape and traffic and also notes the third-party submissions made. It notes proposed mitigation measures and emission limit values and recommends they are included as conditions in the event of a grant of planning permission, as well as a number of additional conditions. It specifically states the following:

“The potential impact of a sand and gravel extraction at the site on surface water and groundwater has been assessed and where necessary, recommendations for mitigation measures to reduce or eliminate any potential impacts have been made.”

3.5. Third Party Observations

3.5.1. 19no. observations were received from the following members of the public:

Sheeaun Residents Association	Tom Creedon and Irene Jordan
Ger Stanford	Thomas and Olive Linnane
Anna Treacy	John Curley
Noelle Eakins	Elizabeth Kelly
John Diskin on behalf of the ‘Seehan Group Water Scheme’.	Valerie McGrath
Áine McCann	Eugene Traynor
Martin and Mary Teresa O’Donoghue	Cllr. Geraldine Donohoe
Danny Fahy	Orla O’Donoghue
Cameron Fennessy	Albert and Patricia Loughnane
Suzanne Quinn	

3.5.2. They raise the following matters:

- Residential amenity
- Property devaluation
- Noise and vibration

- Human health and dust
- Blasting impacts including structural damage and the hazard of flyrock to residents, livestock and buildings.
- Agriculture and impacts on livestock.
- Biodiversity impacts with many bird, amphibian, mammal species noted to be using the area.
- Removal of limestone pavement.
- Hydrological connectivity to aquifer and SACs/SPAs. Impact to wells in terms of productivity and quality.
- Flooding history in the area.
- Traffic hazard and condition of local road. A road safety audit should be undertaken. Inaccurate traffic surveys.
- Landscape and visual impact.
- Archaeological impact.
- Lighting proposals.
- Lack of alternatives.
- Appropriate assessment issues. Connectivity to European sites not sufficiently or inaccurately considered.
- Environmental Impact Assessment and lack of same, insufficient screening document.
- Non-compliance with national and EU safeguards and policies including Habitats and EIA directives, Planning and Development Act, Wildlife Act and EPA Act.
- Lack of detail and inaccurate details including in Civil Design Report, mitigation plans and restoration proposals.
- Concern regarding nature and mechanism of material to be deposited as well as related impacts such as vermin, odour and water contamination.
- Impact to tourism.

- No public consultation.
- Inaccurate planning history and unauthorised development.
- Legislative consent route: *'The applicant seeks to utilize Article 6(4) of the Habitats Directive to categorize this planning application as a strategic infrastructure development application. SIDs application, which would bypass Galway CoCo and go directly to An Bord Pleanála.'*

4.0 Planning History

- 70238: Permission granted in 1994 for a quarry.
- QY46. In 2005, an application to register the quarry was made to the Planning Authority under Section 261 of the Planning and Development Act 2000, (as amended). The Council reviewed the planning permission and decided to amend / modify the original conditions imposed on the quarry operations. This decision issued in March 2007.
- 08/3131: Incomplete application
- 09/415: Planning permission granted for an extension of 9.9Ha route from Gort, Co. Galway to Crusheen, Co. Clare for a limited planning period (5 years). The development will also provide a temporary construction roadway linked from the quarry to the N18 at Ballybaun Townland, and this temporary construction roadway will be discontinued and restated on completion of the N18. The proposed extension is adjacent to an existing quarry development permitted under registration reference QY 46, and access to the proposed extension will be from this site. Upon expiry of the temporary time period the site will be restored. The restoration programme aims to reinstate large areas of Hazel Coppice interspersed with native species woodland to be introduced to add further ecological interest. Open areas of lower maintenance wildflower and grass mix will re-establish the remainder of the quarry floor. Permission is also sought for the provision of additional site offices and a weigh bridge to serve the development. The application is accompanied by and Environmental Impact Statement (EIS) (gross floor space 28.98sqm proposed site office). For clarity, I note this decision was appealed under ref. PL 07.235316 however the appeal was withdrawn.

- 09/416: Incomplete application
- QR/046. A review of the planning status of the quarry was undertaken in 2012 under Section 261A of the Planning and Development Act 2000, (as amended). The review determined that no further action was required in order to regularise the planning status of extraction related activities at the facility and/or to ensure compliance with the European Union Environmental Impact Assessment and Habitats Directives.
- 15/724: Extension of duration granted to extend the appropriate period of ref. 09/415 to expire on 09th August 2020.
- ABP ref. LS07.310605: Leave to apply granted for substitute consent for quarrying activity.
- ABP ref. SH07.313706: Extension of time granted to make a substitute consent application.
- ABP SU07.313909: Substitute consent granted for previous development at this site within the townland of Ballysheedy, Gort, Co. Galway, to regularise the planning status of the rewilding area of the former quarry lands subject to 4no. conditions including the following
 2. A detailed plan for the revegetation and rewilding of the subject site, based solely on the extent of quarry extraction that has taken place to date, shall be submitted to, and agreed in writing with, the planning authority within twelve months of the date of this Order, unless, prior to that time, a planning permission has been granted for the further quarry development within the area covered by this grant of substitute consent.
 3. Financial bond for restoration of the site.
 4. Water monitoring programme for water quality to be agreed with the planning authority.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP).

5.1.2. Chapter 4 refers to Rural Living and Development and section 4.14 refers to mineral extraction and quarries specifically. It notes the importance of this industry to the local rural economic development of the county and that it is resourced based by its nature. It states that the Council recognises the resource as a significant economic asset but one which can give rise to detrimental environmental and residential amenity effects. It also states that the Council has a preference for the continued sustainable extraction of existing quarries over the development of new greenfield sites.

5.1.3. The following policy objectives are particularly relevant to the proposed development:

- RD 1 Rural Enterprise Potential: To facilitate the development of the rural economy through supporting a sustainable and economically efficient agriculture and food industry, 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. Development of Cafes, Art Galleries, Hot Desk Facilities etc. which are important to the rural economy.
- MEQ 1 Aggregate Resource: Ensure adequate supplies of aggregate resources to meet future growth needs within County Galway and the wider region and to facilitate the exploitation of such resources where there is a proven need and market opportunity for such minerals or aggregates, and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses.
- MEQ 2: Protection of the Environment: The Planning Authority shall require the following in relation to the management of authorised aggregate extraction:
 - (a) All quarries shall comply with the requirements of the *EU Habitats Directive*, the *Planning and Development (Amendment) Act 2010* and by the guidance as contained within the DoEHLG *Quarries and Ancillary Facilities Guidelines 2004*, the EPA Guidelines '*Environmental Management in the Extractive Industry: Non Scheduled Minerals 2006* (including any updated/superseding documents) and to DM Standard 19 of this Development Plan;
 - (b) Require development proposals on or in the proximity of quarry sites, to carry out appropriate investigations into the nature and extent of old quarries (where

applicable). Such proposals shall also investigate the nature and extent of soil and groundwater contamination and the risks associated with site development works together with appropriate mitigation;

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

(d) Have regard to the *Landscape Character Assessment of the County* and its recommendations;

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

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

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

- MEQ 3 Sustainable Management of Exhausted Quarries: Encourage the use of quarries and pits for sustainable management of post recovery stage construction and demolition waste, as an alternative to using agricultural land, subject to normal planning and environmental considerations.
- MEQ 4 Landscaping Plans: Ensure that all extractions shall be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to inert waste and sites shall be authorised under the appropriate waste regulations.

5.1.4. Section 15.3.5 sets out Development Management (DM) standard 18 relating to Extractive Development and includes standards in relation to rehabilitation, Environmental Impact Assessment, screening, landscaping and security at quarry sites.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010)
- OPR Practice Note PN01 'Appropriate Assessment Screening for Development Management' (Office of the Planning Regulator, March 2021)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- OPR Practice Note PN02 'Environmental Impact Assessment Screening' (Office of the Planning Regulator, June 2021)
- DoEHLG Guidelines for Planning Authorities on Quarries and Ancillary Activities (2004)
- Environmental Management in the Extractive Industry (Non-Scheduled Minerals) (EPA, 2006)
- National Planning Framework, First Revision, 2025
- Regional Spatial and Economic Strategy 2022-2032, Northern and Western Regional Assembly
- Connacht Ulster Regional Waste Management Plan (CURWMP) 2015-2021
- National Waste Plan for a Circular Economy 2024-2030

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within any designated site.

5.3.2. It is situated 0.25km from Termon Lough Special Area of Conservation and 0.31km from the East Burren Complex SAC and proposed Natural Heritage Area. This represents the closest separation between these sites and the subject site at the vehicular entrance. The separation distances to the extraction area are however larger at c.800m in both cases.

6.0 **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 extraction development, adjacent to and within an existing quarry with existing access and services,
 - b. the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - 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)
2. the results of the Natura Impact Statement and
 3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment including those set out in the Planning and Environment Considerations Report, Bat Report and Biodiversity Management Plan.

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.

6.2. Please refer to the EIA screening determination on the file.

7.0 The Appeal

7.1. Grounds of Appeal

Two appeals were received from Elizabeth Kelly and Noelle Eakins. They raised the following matters:

- Property devaluation Vs economic benefit to the area.
- Proximity to dwellings and impact to residential amenity and mental health with the closest dwelling 20m from the site. Impacts from quarrying activity and HGV movement will result in unacceptable levels of noise, dust, vibration, visual intrusion and general disturbance. Planning conditions cannot adequately mitigate the impacts, rendering the development inappropriate in principle and contrary to proper planning and sustainable development.

- Inadequate assessment carried out on noise, dust and blasting impacts. Information submitted by the applicant is theoretical, modelled and does not reflect real world rural conditions, low background noise, prevailing wind or the close proximity of dwellings and livestock.
- Depopulation as a result of property devaluation.
- Saturday operational hours are permitted until 4pm and should be curtailed to 2pm.
- Impact to agricultural activities and livestock welfare. Quarry operations pose a serious risk due to noise, vibration and blasting which can cause stress during critical breeding periods increasing the risk of mis-mothering and reducing productivity while dust can contaminate grazing and fodder lands. These impacts are not adequately assessed and represent a direct threat to livelihoods.
- Impact to aquifers and private water supplies as quarrying presents a significant risk to groundwater quality and yield which may result in long term contamination pathways and impact the security of private supplies.
- Concern regarding lighting during winter months and the impact to wildlife and birds.
- Concern expressed regarding impacts to wildlife and birds from quarrying activities including blasting, dust, noise and disturbance.
- Reliance on mitigation following potential damage is unacceptable in a rural agricultural setting. Impacts cannot be satisfactorily mitigated by conditions, and the Council has relied excessively on post permission controls rather than assessing site suitability.
- Inadequate cumulative impact assessment particularly in relation to landscape character, traffic, groundwater, rural amenity and agricultural viability.
- The development is unsuitable for the world famous Burren Lowlands.
- Road safety issues are not adequately addressed including HGVs travelling on narrow local road and congested urban roads in Gort. Application documents refer to the access as being situated 580m west of the motorway but it is 6km via the road network to actually join the motorway by vehicle.
- Road names are incorrect. The L8507 local road has not been acknowledged in the application documents. The planning application has multiple inconsistencies

confusing to a person not familiar with the L8507. One appeal refers to sections of the haul route as the L8057 and L4516 and suggest background mapping, labels and reports submitted by the applicant incorrectly identify road names. Request made to confirm the validity of and legality of a grant of permission in view of these inaccuracies.

- Inaccurate traffic surveys.
- Photographs submitted in the TTA are inaccurate and misleading. Road safety would be exacerbated during winter hours in the dark. Subcontractors are not subject to the applicant's work methods and will be free to drive wherever they choose.
- The Local Authority has the authority to lower speed limits to 20km/h. The current speed limit of 60km/h and associated stopping distances are potentially fatal. There is only one outcome for vulnerable road users if struck by a HGV.
- The Roads Department commented on the provision of passing bays, suggesting an awareness of the narrow nature of the local road. Considerable civil engineering works in third party lands would be required given the vast difference in ground levels of the verges and adjoining fields ranging from 2-8feet. The local road is currently subject to movements with large agricultural machinery so how will these vehicles pass by a truck? The previous permission for extraction brought the stone directly to the M18 via a private road and HGVs did not enter the public local road.
- The T-junction between the local road and Tubber road, adjacent to the motorway has poor sightlines. HGVs will need to cross the centre line to manoeuvre through this junction which has a drop of 20-30metres on both sides. Erection of warning signage would further restrict sightlines.
- The description of the site entrance as a T-junction is misleading as the RSA glossary describes a T-junction as where a minor and major road meet in a T shape. If it were a private house it would be called a driveway and not a T-junction.
- Condition no. 6 requires automatic traffic counters and data to be submitted which is akin to self-regulation. Weekly figures should be submitted and quarry movements curtailed once reached which is most likely to be within 2-3 months of the first quarter of the quarrying year.

- Condition no. 9 requires a cash bond for reinstatement of public roads which does not reference the L8507 but does refer to the L4514 which is irrelevant.

7.2. Applicant Response

- The closest dwelling is over 350m from the site.
- The area has a long established and permitted history of quarry operations. Quarry is proposed for an additional 10 years only and is essentially the continuation of a previously permitted quarry.
- Both this application and previous permitted developments fully assessed potential impacts on the environment and surrounding area and planning conditions attached mitigation measures to ensure there would be no negative impacts including to neighbouring properties.
- Conditions attached to the notification to grant permission would ensure no impact on the environment. These conditions are detailed and thorough in terms of surveys required, monitoring and inclusion of mitigation measures as well as regular submission of monitoring and survey results to the Planning Authority.
- Baseline noise surveys were undertaken and captured existing background noise. Monitoring will be undertaken in accordance with the requisite conditions and operational noise levels will be set as absolute thresholds in line with EPA guidance and past permitted levels.
- Condition no. 12 sets out parameters for dust which will not be exceeded at the site boundaries. Monitoring is proposed in accordance with the conditions and PECR.
- The applicant notes that no specific blasting conditions are attached other than the general 'catch all' condition no. 1. Blasting will be carried out in accordance with the particulars set out in Section 9.3.1.2 of the PECR with a maximum peak particle velocity of 12mm/s measured in any of the three mutually orthogonal directions at the receiving location, as recommended by the EPA, DoEHLG and ICF Environmental Guidelines for Quarries. Blast monitoring will be undertaken at nearby residences for each blast at locations to be agreed with the Planning Authority. Advance notice will be provided to nearby residents.

- There is noted confusion in relation to road numbers. The applicant's approach arises from Galway County Council's online planning search facility showing roads taken in charge. Aside from this confusion, the physical haulage route remains unchanged and has been assessed on the basis of its existing alignment, geometry and traffic characteristics.
- A series of passing bays is now proposed with drawings submitted to demonstrate same along the local road network between the site entrance and the Tubber Road to demonstrate numerous options exist within the public roadway to mitigate potential local traffic impacts. The final design and location are to be agreed with the Local Authority.
- Existing road layouts and geometry cannot be altered by the applicant as the lands are outside of their control. As a result, alternative mitigation measures are proposed to enhance driver awareness and road safety including installation of warning signs to alert road users of potential HGV movements thereby reducing the risk of conflict. The final location of signs will be agreed with the Local Authority.
- The relatively low volume of proposed HGV movements would be one per hour one-way together with up to two additional movements for subcontractors carrying out maintenance etc. When considered together with the limited existing traffic flows on the local road network it is not anticipated to give rise to significant traffic or safety impacts. Nevertheless, the passing bays will further ensure vehicles can safely pass including HGVs and agricultural vehicles and together with proposed signage will mitigate potential impacts maintaining safe and efficient operation of the haulage route.
- Experience shows that livestock and animals become used to blasting noise very quickly to the extent that they do not react after a few blast events. The further away the animals are, the less likelihood of the first blast causing a response from them. Any mitigation measures and restrictions imposed by conditions will be of benefit to the surrounding environment including residents and livestock.
- There are no wells within 350m of the site. Water quality in the adjacent pond is good and will be monitored. All dwellings to the south, north and west are supplied by the public watermains including air valves which are situated on the local road. The

proposed development also has a connection to this public network. Groundwater flow is to the north with monitoring proposed on the northern boundary.

- Cumulative impacts were assessed including planning history in the area. Appropriate limit values and mitigation measures were set. No significant adverse ecological impacts are predicted. Rehabilitation will provide additional foraging on the site and there are no cumulative or indirect ecological effects. Considering the site characteristics and small-scale nature of the residential and rural developments in the area there is no potential for significant cumulative effects on hydrology or hydrogeology. There are no developments within 2k that could result in significant cumulative impacts.
- Original submissions made to the application make incorrect assumptions about karst and water levels in the existing lagoon. The submission said the water level was 15mOD however surveys show it is 30mOD. Where quarries in the south Galway area intersect karst conduits or regional groundwater tables the water levels vary significantly on an annual basis from c.10-26m. Groundwater monitoring supports conclusions drawn in the PECR that there is limited groundwater connectivity. Additionally, groundwater levels in the flooded pit only vary by 1m as it is not connected to the regional karst groundwater. Furthermore, photos highlighted do not indicate karst but highlight the well-bedded and jointed limestone bedrock exposed by previous quarrying activity.
- Bat surveys were undertaken on site which conclude there is no roost potential and furthermore no hedgerows will be lost. 510m of new hedgerows will be planted supporting future foraging opportunities and resulting in a beneficial impact on bats.
- Birds including peregrine falcon are known to nest and use the area. The former quarry to the west is retained as a nature reserve and no work is proposed. The Biodiversity Management Plan sets out monitoring measures as well as the Applicant's commitment to the beneficial afteruse of the site.
- No evidence of red squirrel was found on the site or suitable foraging or nesting habitat.
- An AA/NIS was submitted with the application assessing the impact of the development in light of the Habitats Directive. It concludes that there are no likely

significant effects from the proposed development identified in isolation or in combination with other plans or projects. No qualifying interests, annex 1 species or priority wetland was identified on the site.

- An archaeological assessment was undertaken concluding that the development should not impact on the recorded monuments in the vicinity due to the distance involved.
- As demonstrated, potential impacts of the proposed development have been assessed and mitigation and conditions proposed. It is submitted that there will be no damage to existing properties and property devaluation will not occur as a result of the proposed development. Key objectives of the applicant's environmental policy stated in the PECR include compliance with relevant environmental legislation and best practice, to be a good neighbour and to achieve continuous improvement in environmental practices. The applicant is committed to restoring the site as proposed once quarrying activity has ceased.
- Condition no. 9 requires a bond of €44,000 for road reinstatement to be used by the Planning Authority if they deem it necessary to repair roads forming part of the haul route. The L4514 forms part of the haul route while the L8507 does not.
- The applicant is willing to accept the appellants suggested change of Saturday operation hours to cease at 2pm instead of 4pm.
- The applicant confirms that no lighting is proposed and quarrying activities will only take place during daylight hours in compliance with the operational hours stipulated.
- All users at the site, including subcontractors, will be bound by the same conditions attached to the planning permission and will operate within the confines of the limitations imposed.
- The proposed development will compliment the long established principle of quarrying activity in the area and will be closely monitored for any impacts on the surrounding area. Moreover, the proposed development complies with policy objectives MEQ1, MEQ2, MEQ3 and MEQ4 of the CDP which support aggregate extraction, sustainable management of quarries and resilient rural areas.

7.3. Planning Authority Response

- No response.

7.4. Observations

7.4.1. One third party observation was received from Áine McCann objecting to the proposed development on the following grounds:

- The site is situated in a karst setting close to European sites, but the proposal relies on generic assurances and incomplete hydraulic evidence. Long-term effects of blasting in the wider karst body are unknown including impacts on European sites. This is also the case for excavation of a large volume of karstic material. A hydrogeological characterisation and risk assessment should be undertaken.
- Existing water supply well and refuelling slab materially increases risk pathways for contaminants to groundwater and require containment, inspection and monitoring beyond the proposed measures. The proposed drainage to ground requires a risk assessment and authorisation pathway and is also based on incorrect calculations. The stormwater model notes flood risk/surcharge events indicating an elevated risk of uncontrolled discharges. Insufficient evidence to exclude effects on groundwater, protected areas of linked surface water receptors.
- The drainage design proposes ground infiltration while the CEMP states no liquids will be discharged to ground which therefore cannot be relied upon for certainty. A final drainage strategy must be reflected accurately and consistently across all documents. If infiltration is proposed then the CEMP must specify what waters infiltrate, the quality standards required before infiltration, the isolation/shut-off capability in incident conditions and the monitoring regime at the infiltration point and relevant receptors. If infiltration is deemed unacceptable given the site's vulnerability, natura and WFD context, then the design should be revised to avoid discharge to ground and the CEMP updated accordingly.
- The NIS has inconsistent separation distances to the East Burren Complex SAC which undermines screening, definition of zones of influence and pathways. It also relies on broad statements that no pathways exist or dust impacts are unlikely, without supplying quantitative and site-specific evidence. In karstic landscapes, linear separation distances are insufficient proxy determination for risk and do not eliminate hydrological connectivity. The NIS does not provide an adequate survey or

assessment of limestone pavement/karst features within and adjacent to the site or demonstrate measures to control impacts to same. Inadequate in-combination assessment in the intensively used karstic landscape with multiple pressures. It does not quantify existing pressures, waterbody status, future projects, additive pollutant loads or disturbance impacts.

- Planning history on the site includes a High Court settlement/undertaking (arising from an earlier challenge Record No. 289 CA; Circuit Court No. E134/1999) restricting expansion beyond the original area permitted under ref. 70238. This application represents expansion/extension and regularisation beyond that boundary raising questions of legal capacity and enforcement. The earlier substitute consent application on the adjoining site references this but the current application does not transparently and accurately present the full legal and planning history as a legal consideration. The application must address the legal standing of the court undertaking/order, whether the applicant has capacity to apply for permission, interaction between the undertaking and planning law mechanisms for retention/regularisation or further expansion, and, if the application is ultra vires. Regularisation mechanisms are not intended to facilitate incremental expansion without environmental assessment and the competent authority must ensure that EIA/AA obligations are carried out including an assessment of cumulative impacts.
- The competent authority must consider if the development comprises an extension or intensification of an existing quarry with cumulative impacts exceeding EIA thresholds and whether significant impacts occur by virtue of the site's sensitivity (karst), proximity to European sites and planned surface water management. The assessment must address the full planning and quarrying history on the landholding.
- There is no compliance protocol for imported soil materials suitable for karst settings and no alignment with waste legislation, end-of-waste decisions and invasive species despite a 'well-known risk that imported materials (...) may contain contaminants.' The CEMP is inadequate in this regard and a stand-alone karst-specific materials compliance protocol should be incorporated with independent auditing and reporting. A Waste Acceptance Checklist template is attached.
- The CEMP is inadequate to be relied upon to draw conclusions of no impacts/significant effects on European sites or compliance with the WFD. It is a

'good practice' document and lacks precision for conditioning and compliance auditing. Responsibilities are not tied to minimum competence requirements, there is no clear 'stop-work' decision framework and the CEMP is treated as a live document which may be updated later. Key measures must be fixed and secured at consent stage to be relied upon for screening out impacts. There are no defined monitoring locations, parameters for testing, frequency of monitoring, trigger values stated or requirement for independent verification or external audit. The approach to major accident hazards is not karst appropriate. European site pathways are not translated into enforceable site controls such as defined dust deposition management, a lighting plan with lux limits or seasonal constraints and exclusion zones where protected species risk is known/likely.

- Traffic assessments must be robust, transparent and representative demonstrating compliance with TII/DMURS guidance and relevant planning standards. Traffic counts are not reliable when taken during atypical periods or without appropriate automated measurement and classification.
- Permission should be refused or at a minimum further information sought to provide a revised, project specific and enforceable CEMP, a karst-specific hydrogeological assessment and conceptual model, a drainage strategy, appropriate assessment, addressing the full legal and planning history, a waste acceptance protocol and ensuring all mitigation is specific, measurable, enforceable and capable of being conditioned and monitored.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. The principle of extraction has already been established on the site with a planning history dating back to the early 1990s permitting same. Extraction is supported in the CDP by policy objectives RD1 and MEQ 1 while infilling and restoration is supported by MEQ 3. The proposed development and documentation submitted also complies with the criteria listed in DM standard 18 including mitigation, access and rehabilitation. In this regard I consider the principle of development is acceptable.

- 8.1.2. By means of setting out the planning history I note that permission was granted to a different applicant and landowner in 1994 for extraction in the western void. Planning permission was granted under ref. 09/415 to extend that quarry to the east to include the lands subject of this proposal as well as further lands to the east and this permission was extended under ref. 15/724 which expired on 09th August 2020. I also note that the quarry lands were subject to review under sections 261 and 261A of the Planning and Development Act 2000. The Planning Authority decided to amend / modify the original conditions imposed on the quarry operations for the earlier review under ref. QY46 in 2007 while the latter review under ref QR406 was deemed compliant with the EIA and Habitats Directives in 2012.
- 8.1.3. The current applicant and landowner sought leave to apply for substitute consent in 2022 in order to regularise the western void as it appears that despite the outcome of the S261A review process, the grant of permission for ref. 09/415, and the subsequent extension under ref. 15/724, areas of the western void were unauthorised as a greater area has been extracted than had planning permission under the 1994 permission. Substitute consent was subsequently granted for the western void in April 2024 by An Bord Pleanála.
- 8.1.4. The substitute consent lands are adjacent to, but outside of the subject site. The subject site is entirely within the permitted 09/415 site, as extended under 15/724 to 2020 however it comprises less than half of the extraction area permitted under 09/415. The last date of quarrying activity on the site has not been specified however following my site inspection I am of the opinion that activity has not occurred on the site with a number of years.
- 8.1.5. I note the observation refers to a high court order allegedly restricting expansion beyond the original area permitted under ref. 70238. A copy of the site layout drawing for that application has not been submitted by either party or the Local Authority and therefore I am unable to determine the accuracy of the Observer's contention that the proposed development extends beyond the original permitted area. The high court agreement has also not been submitted. I consider however that this is a civil matter which does not preclude the applicant from obtaining planning permission and is therefore outside the scope of this assessment.

8.1.6. 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 local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Traffic
- Hydrology
- CEMP
- Residential Amenity
- Other Matters

8.2. **Traffic**

8.2.1. Prior to any assessment of transport related impacts, I consider it prudent to discuss the matter of road names which arises in a number of appeals. The conflict centres around the local road network closest to the site, between the existing vehicular entrance and Gort town centre. This refers to two roads; the first, I shall refer to in this section as Road A which is a 1.25km section of narrow, single carriageway, secondary local road connecting the site entrance, travelling southeast and terminating at a T-junction. The second road I shall refer to as Road B and comprises the section from that T-junction to Gort town centre. It is a higher order road with a good quality surface and a single carriageway in both directions.

8.2.2. The dispute appears to have arisen from the applicant's use of publicly available GIS datasets and online mapping where the background mapping refers to Road A as the L4514 and Road B as both the R4514 and the Tubber Road. The Traffic Chapter of the PECR however refers to Road A as the L8500 while other references are made for example in the Civil Works Design Report to Road B as the R458. From the third party's perspective there is a road sign in place on the northwest side of Road A (right turn out of the site entrance) stating 'L8507' where it meets the regional road R460. There is another road sign in Gort referring to Road B as the L4514 towards Tubber.

8.2.3. Further, condition 6(iii) attached in the notification to grant permission states the following:

The Quarry haulage route for all HGV's traffic movements to and from development shall be facilitated from the adjoining Local Road L-4514, of link road that travels south eastern direction onto/from the strategic regional Network R-458.

- 8.2.4. As Galway County Council is the relevant roads authority in this functional area, I consider all future references to road names should align with those provided in the above condition and for clarity I will refer to Road A as the L4514 and Road B as the R458 for the remainder of this report.
- 8.2.5. I note one appeal suggests that the application should be invalidated or refused due to confusion arising from the misuse of road names. I disagree however as I consider the applicants have been clear and consistent in identifying the proposed haul route and in my view a third party looking at the full suite of documentation could clearly identify the haul route.
- 8.2.6. The most common transport related theme raised by third parties refers to the safety of existing vehicular traffic and vulnerable road users (VRUs) including pedestrians and cyclists as a result of additional HGV traffic on the L4514 arising from the development.
- 8.2.7. For starters, I consider the existing vehicular entrance provides adequate sightlines for HGVs to see oncoming traffic and VRUs in both directions when exiting or entering the site. This entrance is described as a T-junction in the application documents and I note the appellants suggest this is inaccurate as it comprises a private road/entrance leading to a public road. In my view the reference is acceptable as it accurately describes the layout and relationship between the vehicular entrance and local road which reflects a T-shaped junction.
- 8.2.8. One appeal notes that the L4514 already caters to agricultural traffic and associated machinery, which implies in my view that the road is capable of carrying such large vehicles.
- 8.2.9. Having travelled the road and inspected the width, alignment and surface of the road, I note that it is a narrow single carriageway road with little opportunity for two vehicles to pass side by side. Having regard to the predicted 1no. one-way hourly HGV trips however together with the depth of existing verge available as refuge as well as the number of existing driveways and gates which could form informal passing bays, I

consider the road has the capacity to absorb the proposed additional HGV movements without creating a traffic hazard.

- 8.2.10. I note as part of the appeal response that the applicant proposes to provide up to 5no. new passing bays within the existing public road boundaries negating the need for third party consents. This is a new issue for the Commissioners to consider which was not circulated to all parties. The passing bays comprise widening the existing hedgerow/verges on both sides of the road to provide passing opportunities and are situated in a 1km stretch of the L4514 between the vehicular entrance and the T-junction with the R458. The applicant suggests that the location and number of passing bays would be subject to agreement with the Local Authority. I consider this proposal is acceptable and would also improve the safety of the road for existing traffic and VRUs, reducing conflict with agricultural machinery for example. However, having regard to the fact that this proposal was not circulated, and noting the adequacy of the existing road, I do not recommend attaching a condition requiring the implementation of passing bays.
- 8.2.11. I note one appeal highlights how the Local Authority has the authority to lower speed limits and that the current limit of 60 km/h is potentially fatal. Changing speed limits is a reserved function of Local Authorities and is outside the scope of this appeal. However for clarity, I do not consider the existing speed limit and associated stopping distances to be unsafe or likely to lead to a traffic hazard.
- 8.2.12. The appeals suggest that the junction between the L4514 and the R458 is unsafe due to poor sightlines which would be further impeded by any suggested signage. Sightlines are adequate to the southwest however at the northeast they are somewhat restricted by both the vertical and horizontal alignment of the road which forms a bridge over the M18. Having inspected the junction I do not consider it to be so deficient as to refuse planning permission and I consider appropriate advance warning signage would adequately warn oncoming drivers of the potential hazards of a HGV crossing the centreline when travelling from the site to Gort. The location and height of warning signs should be agreed with the Planning Authority to ensure they do not further impede sightlines.
- 8.2.13. The appeals suggest that HGVs would exacerbate existing congestion in Gort but note that the Planning Authority has not raised any concerns in this matter. I consider the

proposed number of HGV movements is not likely to result in any perceptible change traffic flows or operation of junctions in Gort town centre.

- 8.2.14. The appeals suggest that misleading photographs were submitted of the local road network however I disagree and consider them appropriate to represent the existing road network. They also suggest that inaccurate traffic surveys were undertaken. The Traffic chapter of the PECR includes a separate Traffic and Transport Assessment (TTA) which details the traffic survey undertaken close to the quarry entrance over a 12hour period on a weekday and included morning and evening peak hours. The survey was not conducted during any school or seasonal holiday period. The results were also seasonally adjusted *'to take account of the seasonal variation that is experienced with traffic volumes. Seasonal adjustment is applied to the baseflow traffic only, as the development traffic is constant for the purpose of this assessment.'* Results of the data are provided in an appendix to the report. A review of TII public traffic data was also undertaken. I consider this methodology to be acceptable and do not consider it inaccurate or misleading as suggested.
- 8.2.15. The appeals suggest that subcontractors will not be subject to the same rules as the applicant's own staff and will therefore be free to drive wherever they choose. The applicant disputes this and states that all drivers will be subject to the same limitations. I accept this conclusion and consider any speculation on future dissention from HGV drivers to be outside the scope of this appeal.
- 8.2.16. The last traffic related point raised in the appeals refers to Condition 6 which requires automatic traffic counters to be installed at the vehicular entrance to the site and the data submitted periodically which the appellant suggests is akin to self-regulation. It further suggests that weekly figures should be submitted and quarry movements curtailed once the figures are breached. I do not agree that self-regulation would occur and I consider the wording of condition 6 to be acceptable. Further, any matters of exceedances will be a matter for the Planning Authority to regulate and enforce as necessary. Enforcement is outside the remit of a planning appeal.
- 8.2.17. In conclusion, I consider the proposed road network is capable of catering to the proposed development safely and without creating a traffic hazard following the undertaking of suggested mitigation measures.

8.3. Hydrology

- 8.3.1. The appeals and observation are concerned with connectivity to the regional aquifer underlying the site and how quarrying may impact the quantity and quality of supply. It is not clear in all cases if the third parties had regard to the applicant's expert reports and groundwater monitoring data which demonstrate that the aquifer at the site is not connected to the wider regional aquifer.
- 8.3.2. References are made in the third-party submissions to a regional karst landscape and that karst is present in the site based on photographs submitted with the appeal. The applicant however states that a geologist inspected the site and confirmed there are no significant karst features present. The application documents do note that the wider study area is a karstic landscape and both subsoils and bedrock with karst features are noted to be in the area as well connected turloughs and lakes etc identified. The Soil and Biodiversity Addendum submitted with the further information response however clearly states '*No significant epikarst layer was noted on the quarry face or in areas exposed by quarrying. Jointing is present however there are no open cavities or features present.*'
- 8.3.3. Having visited the site and inspected the existing cliff walls I noted cracks and fracturing but no notable gaps, fluting or solution opened joints or fissures suggesting water flow. Additionally, no water seepage was noted, fault lines or evidence of folding etc to suggest notable karst features on the site contradicting the suggested lack of connectivity.
- 8.3.4. The lagoon in the western void has been in place with over a decade and following a modelling exercise set out in the PECR, the applicant suggests that the water table at the site is higher than the surrounding regional water table which flows north-northeast towards Coole Garryland. Monitoring data demonstrates that water levels vary by only 1m seasonally and have a very slow recharge rate of 0.002m³/second. This is different to water levels in the regional aquifer where levels vary by 10-20m seasonally as evidenced by the presence of turloughs and flooding in the area as well as public TII data. Further, water quality in the lagoon is categorised as 'good' which is a higher classification than the surrounding water network which is categorised as moderate and moderate to poor according to public EPA data, again suggesting that the water table at the site is isolated and not subject to agricultural pressures as noted for the surrounding areas.

- 8.3.5. I note in the Inspector's Report for the substitute consent application for the western void (ref. SU07.313909), that a memo is appended to the report, prepared by an Environmental Scientist stating '*Given the analysis of the waters taken within the quarry floor there is nothing of note to suggest that the activities at the site heretofore have had any impact on the condition of groundwaters*'.
- 8.3.6. I also note the contents of the HSE Environmental Health Service which comments on hydrology and hydrogeology. It notes the assessments undertaken and recommends that the mitigation measures proposed in the application documents should be carried out in full. It also recommends additional mitigation measures relating to general good practice and housekeeping such as retaining spill kits on the site and carrying out monitoring.
- 8.3.7. I therefore agree with the conclusions drawn suggesting that the aquifer is not connected to the regional aquifer and there is very little likelihood of any impact to neighbouring water supplies, turloughs or ecological sites. I do not agree that any further hydrological risk assessment and modelling is required than that already undertaken and outlined in the application documents. I do however agree with the approach to carry out ongoing monitoring which would serve to reduce impacts of any unforeseen issues.
- 8.3.8. I note the observation discusses adequacy of the proposed drainage regime on the site. All surface water on the site currently percolates to ground due to the lack of overburden as well as the nature of the development which does not necessitate connection to a public drain in this rural area. A new surface water system will be constructed to cater for surface water captured on the new car and truck parking and associated hardstanding areas. No new buildings are proposed as the existing site canteen and portacabins will be retained. The existing refuelling slab will be retained with run off from it, the car park and any impermeable hardstanding areas all flowing to a hydrocarbon interceptor, a void filled with stone forming an attenuation area and finally discharging to a new linear infiltration trench running adjacent to the entire western boundary of the extraction area.
- 8.3.9. The observation suggests that a risk assessment should be conducted as well as additional inspection and monitoring measures beyond those set out in the application documents. I disagree however and consider the proposed measures to be adequate

to safeguard the water resources on the site and wider area when regard is had to the evidence set out above together with the scale and nature of any likely surface water generated and scale and nature of any potential contaminants.

8.4. CEMP

- 8.4.1. The observation critiques the quality of the applicant's Construction Environmental Management Plan due to discrepancies between it and other documents regarding surface water management. Having reviewed the CEMP I note that it states '*Water falling on the site flows to the surface water pond (which is comprised primarily of surface water runoff and minor infiltration of groundwater seepage. There are no surface water discharges from the site.*' Later in the same section 7.4 it states '*No liquids will be permitted to be discharged direct to ground and absorbent socks will be installed around surface water drains to prevent silt entering the drainage network.*' In this regard I agree that the CEMP does present some inaccuracies. However, having regard to the nature of such live and dynamic documents as well as the overall quality of the report and all other documentation on the file, I consider the drainage regime is clear and does not present difficulties for a member of the public to interpret.
- 8.4.2. The observation suggests the application documents lack waste acceptance procedures associated with the proposed importation of inert soil and stone material to fill the quarried void for restoration.
- 8.4.3. I note items M and O of the development description refer to the type of material to be imported and clearly state that the material in question would be subject to a waste facility permit and in accordance with the National End-of-Waste Criteria-Recycled Aggregates (EoW-N001/2023) or as by-product (in accordance with Article 27 of the European Communities (Waste Directive) Regulations 2011 (as amended) as relevant to the type of process and material in question. Issuing Waste Licence Permits is a function of the Local Authority and An Coimisiún Pleanála has no remit in this regard. I therefore do not consider it appropriate to refuse permission on the basis of the absence of waste acceptance criteria or waste handling procedures. In my view, the description of the waste to be imported, i.e. inert construction and demolition waste together with the proposed use of that waste, i.e. for restoration or recycling, is adequate in my view to sufficiently describe potential impacts to sensitive receptors.

- 8.4.4. I do consider it prudent that a schedule of monitoring and mitigation measures is included in the final CEMP, following the attachment of planning conditions, for clarity from both the applicant's perspective as the operator as well as the Planning Authority from an enforcement and monitoring perspective.
- 8.4.5. Lastly, I note the observation suggests that the CEMP is inadequate to be relied upon to draw conclusions of no impacts/significant effects on European sites or compliance with the WFD. I agree with this statement and note that in my assessment reliance was made on the entire suite of documentation to screen out impacts to all sensitive receptors, including within the framework of European directives such as the Habitats Directive, Water Framework Directive and Environmental Impact Assessment Directive. I disagree with the observer's recommendation that a CEMP should be a fixed document as this prevents opportunities for improvements in work practices, updating mitigation measures or reacting to monitoring results as outlined in condition 13e attached to the notification to grant permission as follows:

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

- 8.4.6. Further, condition 13(a) required all monitoring locations and frequency etc to be agreed in advance with the Planning Authority which is an appropriate practice to ensure oversight of the monitoring regime.
- 8.4.7. In conclusion, I consider the CEMP is an acceptable document but that a standard condition is attached requiring it to be updated and agreed with the Planning Authority in advance of development commencing on site.

8.5. **Residential Amenity**

- 8.5.1. Residential amenity and impacts to human health are raised in the appeals due to the proximity of dwellings to the extraction area and haul route. The appeals suggest the closest dwelling is 20m from the site while the application documents state the closest are 480m to the south adjacent the local road. Having inspected the site and wider area I note, as set out previously, that there is one dwelling situated immediately east of the vehicular entrance which, together with another dwelling slightly further east,

represent the closest dwellings to the extraction area with separation distances of almost 500m.

- 8.5.2. I do note measurements in the PECR such as in table 9-2 referring to noise monitoring location N2 as 430m west of the site however this is inaccurate in my view and should read 430m west of the landholding as the western quarry void is not within the subject site.
- 8.5.3. Third parties are concerned that reliance on monitoring cannot prevent impacts, should be relied upon as mitigation and that the Planning Authority over-relied on post-permission controls rather than assessing site suitability. The submissions also consider inadequate assessments were carried out which were theoretical, modelled and do not reflect the actual on-the-ground conditions.
- 8.5.4. In the first instance I consider monitoring post-permission is acceptable and appropriate in order to ensure that mitigation measures are working adequately and I recommend that suitable conditions are attached in this regard.
- 8.5.5. Secondly with regard to the adequacy of assessments and the requirement for a site-specific approach, I note the extent of monitoring undertaken on the site and surrounding area to provide an accurate baseline scenario. This includes air, noise and water monitoring. Further, I consider that modelling exercises using established software and clear methodologies are an appropriate assessment technique in my view to determine the extent of future impacts and I consider the modelling undertaken and set out in the PECR is an acceptable and appropriate tool to predict impacts to the relevant sensitive receptors.
- 8.5.6. I also note the conclusions drawn in the HSE report with regard to noise and air quality and the lack of objections therein and for the purpose of clarity I have no concerns regarding the accuracy of background information or modelled impacts as set out in the application documents.
- 8.5.7. I note submissions suggest previous communications regarding blasting at the site were poor and in this regard I recommend that the CEMP or an Environmental Management System is updated to include a blast management plan to include a liaison plan for local residents. I also note that approximately one third of the extraction area has already been subject to blasting and that the PECR states there will be no blasting for the first 2no. years of the permission due to the availability of that blasted

material already on the site. Following this, there would be an average of 2no. blasts per year, up to a maximum of 4no. and while not specified in the application documents I would also consider it likely that no blasting would occur in the last 2-3 years of the 10year permission when regard is had to the overall size of the site and extent of material to be blasted.

8.5.8. I consider the magnitude of most impacts to be most strongly perceived or received when closest to the extraction area and in my view impacts from the haul route such as noise and dust would be negligible when consideration is had to the small number of HGV trips proposed. I also consider it highly unlikely that the latter phases of the development such as implementing the landscaping scheme would result in any negative impacts to residential amenity.

8.5.9. Having regard to the separation distance between the extraction area and surrounding dwellings as well as safeguards and mitigation measures set out in the PECR and CEMP which include modelling and monitoring to inform same, I do not consider it likely that significant negative impacts would occur to residential amenity and I am satisfied that the expert evidence and mitigation recommended by the applicant would sufficiently negate any potential impacts in terms of noise, dust, visual impact and general disturbance.

8.5.10. I note in this regard that the CEMP states that all previous blasting was within permitted limits.

8.5.11. I note section 8 of the CEMP recommends that a Complaints Register is maintained on the site which recommends:

'Any complaints made will be notified to the site manager and the Project Environmental Manager immediately and a plan put in place to investigate and seek to resolve the complaint. The site manager will also notify the developer of complaints received. The complainant, developer and other stakeholders will be kept informed of the progress in resolving the issue.

Hard copy folders will be maintained on site for inspection by the planning authority at any time.'

8.5.12. I consider the likelihood of impacts to residential amenity to be low however when assessed together with the requirement to submit regular monitoring results and to

prepare a response to address the issue, I consider any likely unforeseen impacts would be addressed adequately.

8.6. Other Matters

- 8.6.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. I also therefore consider it unlikely that depopulation would occur as a result of property devaluation.
- 8.6.2. One appeal requests Saturday operational hours to be curtailed from 4pm to 2pm which the applicant has agreed to. This is reasonable and I note it is reflected in many of the applicant's reports. I recommend it is reflected in the conditions attached.
- 8.6.3. Appeals and observations set out concerns with external lighting however the appeal response states there will be no such lighting and quarrying activities will only occur during daylight hours.
- 8.6.4. Appeals suggest that blasting, dust, noise and disturbance will impact local wildlife and birds. I note the ecological submissions prepared and submitted in this regard which characterise the habitats, flora and fauna identified on the site and also include specialist reports and assessments for protected species such as bats and peregrine falcon, as well as commentary within the wider ecology chapter of the PECR, the Soil and Biodiversity Addendum and the Biodiversity Management Plan regarding other protected species such as otter and badgers etc. I also note submissions made by NPWS and At Taisce with regard to ecology and in conclusion I am satisfied that impacts to ecology have been adequately assessed and sufficient mitigation is proposed. I do not consider it likely that quarrying activities on the site will have a perceptible negative impact on nesting or roosting habitat, feeding grounds or create general disturbance to any sensitive species. I consider the proposed restoration plan will result in a net positive impact to ecology in the area.
- 8.6.5. I note the Planning Authority attached condition no. 14 requiring a minimum protective buffer distance of 150 metres between the identified Peregrine nest ledge and any locations where blasting is to be carried out during the bird breeding season and consider it an appropriate response.

8.6.6. I note concerns raised regarding impacts to livestock however having regard to the conclusions drawn above regarding general wildlife, together with earlier discussions regarding the frequency of blasting and that blasting previously occurred on the site I consider it highly unlikely that livestock or general agricultural viability would be negatively impacted by the proposed development.

8.6.7. Concerns are raised that the development would impact the Burren Lowlands landscape. I note the PECR provides a section on landscape and visual impacts and provides a figure outlining the zone of theoretical visibility (ZTV). It states:

'Due to the intervening vegetation, undulating topography within the study area and the topography of the site itself, the exposed quarry face can only be seen from some locations within 2.5km to the north of the site. Visibility at distances beyond 2.5km would depend highly on weather conditions. Intervening vegetation and topography screen views from any other direction.

....

These views are mostly experienced from a section of the R460, to the north of the site and from other local roads located within 2.5km to the north, east and south of the site. Topography and the screening effects of the existing vegetation around the perimeter of the site (excluding the northern boundary along the L8500) have blocked the views from southwest, west and northwest.'

8.6.8. Having inspected the site and driven the local roads in the area I agree with the conclusions drawn above. The site would not be visible from any scenic routes or designated viewpoints. The landscape in which the site is situated is referred to as the Central Galway Complex Landscape and is classified as having a low sensitivity.

8.6.9. In this regard I consider the proposed development would have a minor negative impact on the landscape and on sensitive visual receptors such as dwellings situated within the visible sections of the ZTV. When regard is had however to the current condition of the site with large stockpiles and all soils removed, compared to the final finish which would be vegetated and better assimilated into the landscape, I consider there would be a net improvement on landscape and visual impacts if permission were granted.

8.6.10. I note the appeals suggest that an inadequate cumulative assessment has been carried out and I note the PECR sets out a conclusion in each section that there are no cumulative or indirect effects. Further, the applicant's response to the appeal also addresses the topic. In my view the applicant has adequately addressed the issue and in tandem with the assessments I have carried out above, I consider cumulative impacts are not likely to occur to any degree which would result in significant impacts exceeding.

9.0 **Appropriate Assessment**

9.1. **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, 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 East Burren Complex SAC and Termon Lough SAC in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

- The proximity of the subject site to these European sites.
- The proposed extraction and processing methods including blasting, crushing and screening.

9.2. **Appropriate Assessment Conclusion: Integrity Test**

9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on East Burren Complex SAC and Termon Lough SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

9.2.2. Following an examination, analysis and evaluation of all material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the East Burren Complex SAC and Termon Lough SAC 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:

- A full and detailed assessment of all aspects of the quarrying activities post-operational/remediation proposals in relation to the Conservation Objectives of the aforementioned designated sites.
- Effectiveness of mitigation measures proposed and undertaking of monitoring.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the East Burren Complex SAC or Termon Lough SAC.

10.0 Water Framework Directive

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- The scale and nature of the proposed extraction and infilling scheme.
- The existing lack of overburden and soils on the site.
- The separation between the site and waterbodies including the isolation of the groundwater body surrounding and underlying the site from the regional groundwater body.
- The proposed on-site wastewater treatment system.

10.3. Conclusion

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

12.0 Reasons and Considerations

Having regard to the location and character of the site within an existing permitted extraction site, the provisions of the Galway County Development Plan 2022-2028 including policy objectives RD1 and MEQ 1 and MEQ 3, DM Standard 18 and the nature and scale of the proposed extraction and infilling development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of land use, scale and timeframes and would not seriously injure the amenities of the area or of neighbouring residential properties, result in a traffic hazard or unduly impact groundwater or ecology in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>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 29th day of October 2025, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order. All quarrying and ancillary activities shall cease, and all ancillary infrastructure shall be removed prior to that date, unless permission has been granted for further continued operation.</p> <p>Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.</p>
3.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), Planning and Environmental Considerations Report, Biodiversity Management Plan and Construction Management Plan shall be implemented.</p> <p>Reason: To protect the environment and the integrity of European Sites.</p>
4.	<p>No extraction of aggregates shall take place below the level of the winter water table. There shall be no dewatering of groundwater at the site with seasonal changes of groundwaters being taken into account.</p> <p>Reason: To protect groundwater in the area.</p>
5.	<p>There shall be a minimum protective buffer distance of 150 metres between the identified Peregrine nest ledge and any locations where blasting is to be carried out during the bird breeding season.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
6.	<p>The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:</p> <p>(a) A schedule of mitigation and monitoring commitments as outlined in the application documents and including groundwater, surface water flow, noise, ground vibration, and dust deposition levels. The schedule shall specify all monitoring locations, frequency and parameters unless specified below.</p> <p>(b) A Construction Environmental Management Plan.</p>

	<p>(c) A Blast Management Plan to include liaison details with local residents and landowners.</p> <p>(d) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.</p> <p>(e) Details of an annual environmental audit to be submitted to the Planning Authority including the following:</p> <ul style="list-style-type: none"> (i) All environmental monitoring results including details of any exceedances and measures taken to remedy same as well as details of any liaison with the Planning Authority in this regard. (ii) A topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority and aerial photograph showing all areas excavated and restored. (iii) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes. (iv) A written record of all vehicular movements from the automated traffic counter required in condition no. 8. (v) A written record of all complaints, including actions taken in response to each complaint. <p>Reason: In order to safeguard local amenities and environmental receptors.</p>
7.	<p>The following emission limit values shall apply unless otherwise agreed with the Planning Authority in writing prior to the commencement of development:</p> <ul style="list-style-type: none"> (a) The noise levels generated during the operation of the quarry shall not exceed 55 dB(A) Leq, 1hr when measured at the nearest occupied house during permitted operating hours and shall not exceed 45 dB (a) leq 15 mins at any other time. When measuring the specific noise, the time shall be any one hour period. (b) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than

	<p>once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).</p> <p>(c) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).</p> <p>Reason: In order to protect the residential amenities of property in the vicinity and to protect the environment.</p>
8.	<p>The Developer shall notify the planning authority in writing within two working days of any environmental exceedances of specified thresholds. The developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.</p> <p>Reason: In order to safeguard local amenities and environmental receptors.</p>
9.	<p>All surface water shall be managed in accordance with the details submitted with the application with no discharge permitted to watercourses or adjoining land.</p> <p>Reason: In the interest of clarity.</p>
10.	<p>(a) The location, number and construction of all advance warning signage shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>(b) Vehicles transporting material to and from the site, and accessing the site, shall use the L4514 running east from the quarry to the R458 only as identified in the application documents.</p> <p>(c) The entranceway dwell area for a length of 20m including the junction bellmouth between the site and the public road shall be surfaced to specifications within TII standards series 900 and shall incorporate a minimum finished flexible road pavement mix (asphaltic tarmacadam) including structural dimensions and proposed road datums inclusive of proposed road</p>

	<p>make up tie in details with existing local public road whilst ensuring surface water run-off is disposed of within the site drainage infrastructure and does not enter onto the public road. The above works shall be cleared, graded, levelled, and finished to a standard and specification suitable for use to the satisfaction of the Area Engineer and to the written agreement of the Planning Authority prior to commencement of development.</p> <p>(d) Quarry traffic movements of existing access shall not exceed the permitted annual generated trips as stated within Traffic and Transportation Assessment – Traffic Chapter, Trip Generation insofar the total number of two way HGV traffic movements serving the site each permitted annum shall not exceed 5,250 trips/annum.</p> <p>(e) Prior to commencement of development, an independent automated traffic counter (ATC) shall be installed at the vehicular entrance and such records shall be made available for viewing in the form of a monitoring report including all dates of operation which shall be submitted in writing to the planning authority annually.</p> <p>(f) Sight distance triangles shall be maintained and kept free from boundary walling, vegetation, or other obstructions that would reduce the minimum visibility required.</p> <p>(g) All necessary measures shall be taken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: In the interest of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.</p>
11.	<p>(d) The landscaping scheme shown on drawing number Fig 2.00, as submitted to the planning authority on the 29th day of October, 2025 shall be implemented in full.</p> <p>(e) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be</p>

	<p>replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>(f) Upon completion of restoration the applicant shall submit to the Planning Authority for their written agreement a digital topographical survey of the final restored contours.</p> <p>Reason: In the interest of clarity.</p>
12.	<p>(a) The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays.</p> <p>(b) No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day</p> <p>(c) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.</p> <p>(d) No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.</p> <p>Reason: In order to protect the [residential] amenities of property in the vicinity.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p>

	Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sarah O'Mahony
 Planning Inspector
 08th April 2026

Appendix 1: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number	500533-GY-25
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>A 10 year planning permission is sought for the further development of a quarry for the extraction of materials (aggregates, stone, and crushed rock) over an area of c. 2.851 ha (total site area is 3.9074 ha).</p> <p>It is proposed to import inert construction and demolition waste and recycle same for use as aggregates. It is also proposed to import inert soil and stone material to restore the site to original ground levels.</p> <p>Ancillary development comprises new parking, on-site wastewater treatment, SUDS, passing bays and the erection of warning signs etc.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>Refer to applicants PECR report for detailed descriptions.</p> <p>Potential impact mechanisms include groundwater contamination, disturbance from noise and vibration and dust deposition.</p>
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	<ul style="list-style-type: none"> • Development Applications Unit of DoHLGH: A Peregrine Falcon Conservation Management Plan is recommended. Potential impacts on Bats have not been adequately assessed. Annex I Limestone Pavement surrounds much of the existing quarry, including bordering the current application site boundary. This has not been considered in the

	<p>report. Mitigation measures should be proposed in relation to the potential impacts of the proposed quarrying activities associated with this current planning application. Clear and specific aims/objectives should be set for restoration, and measures to achieve these should be specified, with detailed maps and drawings included as necessary as well as an ecological and environmental monitoring programme. No updated construction environmental management plan (CEMP) accompanies this application. Competent National Authorities, are to authorise activity only if they have made certain that it will not adversely affect the integrity of a European site and, consequently, not likely to give rise to deterioration or significant disturbances within the meaning of Article 6(2).</p> <ul style="list-style-type: none"> • An Taisce: A WFD assessment should be carried out and clarification sought on the presence of peregrine falcon and Lesser Horseshoe Bat on the site as well as wider ecological surveying and an EclA.
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<p>Other Relevant Information</p> <p>As outlined in the planning assessment above as well as in the applicant’s documentation, monitoring data reveals water levels in the lagoon only fluctuate by 1m seasonally compared to the more significant changes in levels experienced in the wider region and manifested by flooding and turloughs. No significant karst features were identified on the site and water quality data demonstrates that water in the lagoon is consistently rated higher quality than water features in the area.</p> <p>This indicates that the groundwater body immediately underlying the site including the lagoon in the western void is not hydrologically connected to the regional groundwater body serving the wider network of turloughs.</p> <p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p>
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Note: The NIS has some discrepancies which have been resolved through information set out in other documentation such as the Bat Survey, PECR and application drawings etc. In this regard, while I note the presence of the report and do not dispute its overall findings, it has not formed the sole basis of the assessment and conclusions set out below.

European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
East Burren Complex SAC 001926	17no. QIs including: <ul style="list-style-type: none"> • Otter • Lesser Horseshoe Bat • Marsh Fritillary And 14no. wetland and terrestrial habitats including: <ul style="list-style-type: none"> • limestone pavement. Conservation Objectives dated January 2022	0.31	Indirect and tentative dust, noise and vibration and general disturbance.	Yes
Termon Lough SAC 001321	Turloughs Conservation Objectives dated January 2021	0.25	Indirect and tentative dust deposition.	Yes
Coole-Garryland Complex	8 no. QIs including: <ul style="list-style-type: none"> • Lesser horseshoe bats 	1.4km	No roosts identified on the site according to the bat survey report submitted in	No

SAC 000252	<ul style="list-style-type: none"> Limestone pavements Turloughs <p>Conservation Objectives dated July 2024</p>		the further information response. The site does not provide suitable foraging or roosting habitat. Proposed works are not predicted to impact on the foraging grounds provided by the lagoon in the adjacent western void. No external lighting is proposed and no vegetation will be removed.	
Coole-Garryland SPA 004107	Whooper Swan Conservation Objectives dated February 2025	1.7km	No suitable feeding or nesting habitat on the site. No tall structures will be erected obstructing a flight path.	No
Lough Cutra SAC 000299	Lesser Horseshoe bats Conservation Objectives dated July 2018	2.96km	No roosts identified on the site according to the bat survey report submitted in the further information response. The site does not provide suitable foraging or roosting habitat. Proposed works are not predicted to impact on the foraging grounds provided by the lagoon in the adjacent western void. No external lighting is proposed and no vegetation will be removed.	No
Lough Cutra SPA	Cormorant	3.9km	No suitable feeding or nesting habitat on the site.	No

004056	Conservation Objectives dated March 2025		No tall structures will be erected obstructing a flight path.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: East Burren Complex SAC 001926 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Turloughs [3180] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220]</p>	<p>Direct: None</p> <p>Indirect Dust deposition and noise and vibration creating disturbance.</p>	<p>Disturbance</p> <p>Changes to habitat quality/function</p> <p>Undermine conservation objectives related to water quality.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>

Alkaline fens [7230] Limestone pavements [8240] Caves not open to the public [8310] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Euphydryas aurinia (Marsh Fritillary) [1065] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355]		
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Likelihood of significant effects from proposed development (alone): No

If No, is there likelihood of significant effects occurring in combination with other plans or projects?: No

	Impacts	Effects
Site 2: Termon Lough SAC 001321 Turloughs [3180]	Direct: None Indirect: Dust deposition	Undermine conservation objectives related to water quality. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Likelihood of significant effects from proposed development (alone): No

If No, is there likelihood of significant effects occurring in combination with other plans or projects?: No

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

It is not possible to exclude the possibility that proposed development alone would result significant effects on East Burren Complex SAC and Termon Lough SAC from effects associated with noise and vibration disturbance and dust deposition.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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 East Burren Complex SAC and Termon Lough SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The proximity of the subject site to these European sites.
- The proposed extraction and processing methods including blasting, crushing and screening.

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a quarry in view of the relevant conservation objectives of East Burren Complex SAC and Termon Lough SAC based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- All application documentation including the further information response,
- The Planning Authority's reports,
- Third party and prescribed bodies submissions, and
- Relevant Conservation Objective Series obtained from the NPWS website.

Subject to the note provided earlier in the Stage 1 screening regarding discrepancies in the NIS, I am satisfied that the overall suite of information provided is adequate to allow for Appropriate Assessment.

East Burren Complex SAC (001926):

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

- Dust deposition
- Noise disturbance
- Vibration disturbance

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)

	(summary-inserted)		
3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	<p>Restore favourable conservation condition.</p> <p>Maintain appropriate water, colour, turbidity, transparency, substratum type, sediment pH, alkalinity, cation and nutrient concentrations etc.</p>	Dust deposition and subsequent rainwater run off could affect water quality, colour turbidity, transparency, substratum type, sediment pH, alkalinity, cation and nutrient concentrations etc.	Dust generation is predicted to be outside of the zone of influence for European sites however best practice pollution control measures and application of industry standard controls are proposed such as a CEMP, cleaning public and internal roads, using water bowsers to suppress dust on roads and stockpiles, minimise exposure of stockpiles to wind, material handling systems including
3180 Turloughs	<p>Restore favourable conservation condition.</p> <p>Restore appropriate water quality.</p>	Dust deposition and subsequent rainwater run off could affect water quality.	accounting for weather conditions, wheel wash, on-site speed limits, covers on crushers, complaints register, dust monitoring.
3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-	<p>Maintain favourable conservation condition.</p> <p>Maintain appropriate substratum particle size range, quantity and quality.</p>	Dust deposition and subsequent rainwater run off could affect water quality and substratum particle size etc.	In terms of noise and vibration, similar best practice controls and monitoring are proposed including the proper maintenance and operation of plant, setting noise and vibration limits, the use of

Batrachion vegetation	Maintain/restore appropriate water quality.		acoustic enclosures, operating hours, liaison plans and complaint registers etc.
7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> *	Maintain favourable conservation condition. Maintain appropriate water quality, particularly pH and nutrient levels	Dust deposition and subsequent rainwater run off could affect water quality.	
7230 Alkaline fens	Maintain favourable conservation condition. Maintain appropriate water quality, particularly pH and nutrient levels	Dust deposition and subsequent rainwater run off could affect water quality.	
1355 Otter <i>Lutra lutra</i>	Maintain favourable conservation condition. No significant decline in habitat for nesting, foraging and commuting.	Dust deposition and subsequent rainwater run off could affect water quality. Noise and vibration could disturb holts and couching spots.	
The above table is based on the documentation and information provided on the file.			
Assessment of issues that could give rise to adverse effects view of conservation objectives			

(i) Dust deposition

Mitigation measures and conditions:

The mitigation measures set out above are general best practice and are not specifically proposed in order to protect the qualifying interests or conservation objectives of European sites. And while noting that the site is outside of the likely zone of influence where dust could be deposited as a result of blasting, processing and transport of the extracted material, the stated measures would nonetheless mitigate and safeguard against the effects of dust deposition on European sites.

(ii) Noise and Vibration

Noise and vibration could disturb holts and couching spots.

Mitigation measures and conditions:

The mitigation measures set out above are general best practice and are not specifically proposed in order to protect the qualifying interests or conservation objectives of European sites however they would nonetheless mitigate and safeguard against the effects of noise and vibration on European sites. Further, no evidence of otter activity was noted on the site during the site inspections.

In-combination effects

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

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 aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts are unlikely to occur and mitigation is not proposed strictly to protect the European sites, however it would also serve to reduce and mitigate against impacts to the European sites. Monitoring

measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No in-combination effects are predicted.

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 of the Conservation objectives of East Burren Complex SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Termon Lough SAC (001321):

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

- Dust deposition
- Noise disturbance

Vibration disturbance

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
3180 Turloughs	To restore favourable conservation condition. Restore appropriate water quality to support the natural	As above.	As above.

	structure and functioning of the habitat.		
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The above table is based on the documentation and information provided on the file.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Dust deposition

Mitigation measures and conditions:

As above.

In-combination effects

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

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 aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts are unlikely to occur and mitigation is not proposed strictly to protect the European sites, however it would also serve to reduce and mitigate against impacts to the European sites. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No in-combination effects are predicted.

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 of the Conservation objectives of Termon Lough SAC. 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 East Burren Complex SAC and Termon Lough SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of all material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the East Burren Complex SAC and Termon Lough SAC 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 operational and post-operational impacts.
- the proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of East Burren Complex SAC or Termon Lough SAC.
- Effectiveness of mitigation measures proposed and undertaking of monitoring.

Appendix 2: Water Framework Directive Screening

STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	500533	Townland, address	Ballysheedy and Sheeaun (Kiltartan) TD. Gort, County Galway
Description of project	<p>A 10 year planning permission is sought for the further development of a quarry for the extraction of materials (aggregates, stone, and crushed rock) over an area of c. 2.851 ha (total site area is 3.9074 ha).</p> <p>It is proposed to import inert construction and demolition waste and recycle same for use as aggregates. It is also proposed to import inert soil and stone material to restore the site to original ground levels.</p> <p>Ancillary development comprises new parking, on-site wastewater treatment, SUDS, passing bays and the erection of warning signs etc</p>		
Brief site description, relevant to WFD Screening,	<p>There are no surface water streams on site. Water features within Ballysheedy Quarry comprise of a flooded floor /pond at the topographical low to the west of the application site. Water falling on the site flows to the surface water pond (which is comprised primarily of surface water runoff and minor infiltration of groundwater seepage. There are no surface water discharges from the site.</p>		

		Groundwater recharge to the underlying aquifers is diffuse (rainfall) through the limited overlying quaternary deposits or directly into the aquifers where bedrock is present i.e., within the quarry. Although this is a karstic environment, there are no point sources/sinks, such as swallow holes etc. recorded within the landownership boundary our noted during the 2014 -2024 site walkovers.				
Proposed surface water details		SUDs system proposed with hydrocarbon interceptor				
Proposed water supply source & available capacity		Existing on-site well				
Proposed wastewater treatment system & available capacity, other issues		Existing septic tank to be decommissioned and new secondary treatment system installed. Water will be recycled for ancillary activities and dust suppression.				
Others?		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Groundwater and Lake Waterbody	Underlying site and in	Unnamed and unidentified on EPA datasets	Good	Not at risk	None	This groundwater body is within and underneath the site.

	lagoon in western void					
Groundwater Waterbody	Regional groundwater body – exact separation distance unknown	IE_WE_G_0091 GWDTE- Caherglassaun Turlough (SAC000238)	Poor	At risk	Anthropogenic	No – the groundwater body surrounding the site has little to no connectivity to the regional groundwater body. Refer to water level monitoring and sampling results in the application documents for further details.
River Waterbody	1km northwest	KILCHREEST_010	Good	Review	None	No
River Waterbody	1.3km northeast	CANNAHOWNA_0 10	Moderate	At Risk	Anthropogenic And urban wastewater	No
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

EXTRACTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Groundwater and Lake Waterbody	Subject site	Direct diffuse recharge to ground	Siltation, hydrocarbon spillages	Standard construction practice, dust suppression, hydrocarbon interceptor, fuelling controls, SUDS features, monitoring CEMP etc	No	Screened out
2.	Groundwater Waterbody	IE_WE_G_009 1	No	N/A	N/A	No	Screened out

		GWDTE- Caherglassau n Turlough (SAC000238)					
	River Waterbody	KILCHREEST_0 10	No	N/A	N/A	No	Screened out
	River Waterbody	CANNAHOWN A_010	No	N/A	N/A	No	Screened out
REMEDIATION PHASE							
3.	Groundwater and Lake Waterbody	Subject site	Direct diffuse recharge to ground	Siltation and hydrocarbon spillage	Standard construction practice, dust suppression, hydrocarbon interceptor, fuelling controls, SUDS	No	Screened out

					features, monitoring CEMP etc		
4.	Groundwater Waterbody	IE_WE_G_009 1 GWDTE- Caherglassau n Turlough (SAC000238)	No	N/A	N/A	No	Screened out
	River Waterbody	KILCHREEST_0 10	No	N/A	N/A	No	Screened out
	River Waterbody	CANNAHOWN A_010	No	N/A	N/A	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Extraction works	Adequately designed SUDs features, hydrocarbon interceptors etc An infiltration trench will be provided between the extraction area and the western void ensuring any sediment laden run off is captured before entering the lagoon.	As per objective 1. The lagoon already has a good status and there is no connectivity to surface water features outside the site.	Note mitigation set out for objective 1. The lagoon already has a good status and measures such as the infiltration trench will protect it during extraction works.	N/A	Yes

Remediation works	Adequately designed SUDs features, hydrocarbon interceptors etc Remediation will restore overburden and soil material to the site, improving filtration and slowing down pathways for potential contaminants. All works will cease on site upon completion of remediation. No mitigation required beyond ensuring only non-contaminated materials are imported in accordance with the relevant waste facility permit.	As above.	Note mitigation set out for objective 1. The lagoon already has a good status and measures such as the infiltration trench will protect it during remediation works.	N/A	Yes
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the	<u>Objective 2: Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot	

	deterioration of the status of all bodies of groundwater	abstraction and recharge, with the aim of achieving good status*		proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Stormwater drainage	Adequately designed SUDs features, hydrocarbon interceptors etc	All water will be recycled for use in processing and will discharge again to ground.	N/A	Yes
Extraction works	Dust and water management measures are set out in the PECR including utilising water to suppress dust and providing infiltration trenches to filter sediment before water recharges to ground.	N/A	N/A	Yes
Remediation works	Remediation will restore overburden and soil material to the site, improving filtration and slowing down pathways for	N/A	N/A	Yes

	<p>potential contaminants. All works will cease on site upon completion of remediation. No mitigation required beyond ensuring only non-contaminated materials are imported in accordance with the relevant waste facility permit.</p>			
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