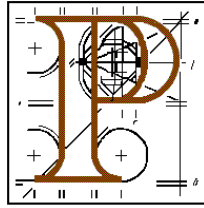


# An Bord Pleanála



## Inspector's Report

**Development:** Application under Section 37L of the Planning and Development Acts 2000-2015, for further quarrying of sand & gravel at Knockaunnagat, Dunmore, Co. Galway

### Planning Application to Board

Related Substitute Consent File : 07.SU0072

Applicant : Finnegan's Sand Ltd.

Planning Authority : Galway Co. Council

Type of Application : Further quarrying under section 37L

Observer(s) : Transport Infrastructure Ireland

**Date of site inspection** : 8<sup>th</sup> April 2016

Inspector: **Michael Dillon**

## **1.0 Introduction & Context**

- 1.1 This application to the Board arises following the commencement of Section 37L of the Planning and Development Act 2000, which provides, *inter alia*, for the making of planning applications direct to the Board for continuation of quarrying, where an application for substitute consent for a quarry was with the Board before 15<sup>th</sup> July 2015, and where a decision had not issued in relation to the substitute consent application. The legislation provides for the two applications to be dealt with, in conjunction.
- 1.2 In the context of this application, SU0072 was recommended for a grant of permission (Inspector's Report dated 8<sup>th</sup> August 2014). The Board decided to request additional information of the applicant in relation to restoration and surface/groundwater management – by letter dated 18<sup>th</sup> March 2015. An extension of time was allowed for the response – up to and including 22<sup>nd</sup> June 2015. The response of the applicant was received by the Board on 22<sup>nd</sup> June 2015. New Regulations were subsequently introduced by the Department of Environment, Community and Local Government which related to introduction of section 37L of the Act, and the applicant opted to pursue this new channel for expansion of the quarry operation.

## **2.0 Site Location & Description**

- 2.1 The site, with a stated area of 4.51ha, comprises three distinct parcels of land (all outlined in red). The two smaller parcels are located within the red line boundary of substitute consent application SU0072. The larger portion constitutes the area within which quarrying is to be extended – in a southeasterly direction (2.74ha). This area for extension currently comprises an elevated ridge of grassland subdivided by the remains of dry-stone walls with isolated hawthorn trees. Quarrying has already extended into a portion of this proposed extension area. There is a farmhouse and farm building to the southeast of the proposed area for extension – accessed from a county road to the south. There is a line of mature pine trees along most of the southern boundary of the extension area. This farmhouse is indicated as being within lands in the ownership of, or under the control of, the applicant: there is a farm gate connecting it with the area proposed for extension.
- 2.2 A description of adjacent quarried lands and the wider surrounding area and road network is contained within the Inspector's Report submitted with SU0072. There have been no significant changes in the area of the quarry since that date (apart from works commenced to restore part of the lands of quarry ref. SU0073). Access to the quarry expansion area remains via a right-of-way (marked yellow on drawings) from county road L6512.

- 2.3 Of note on the date of site inspection in April 2016, are the following. A number of site notices were in place. Traffic levels on the L6512 access road were very low. There are electricity power lines traversing the portion of the quarry wherein it is proposed to extend the extraction. The quarry was operational on the date of site inspection. Mobile rock-crushing and grading plant on the quarry floor were not operational. The diesel generator which drives the washing plant is not banded. There is evidence of small amounts of hydrocarbons leaking from a number of sources around the washing plant. Noise emanating from the quarry centred largely on the washing plant – clearly audible from the L6512 access road – but diminished by the separating earth berm. Work was ongoing moving soil and aggregate around the site. There were two small breaches within the existing silt ponds which were discharging silted waters into the drain to the northeast, on a wet day. This is due to the fact that the silt ponds are almost completely full of silt. This drain is heavily overgrown with vegetation, which serves to trap silt, to the extent that there is no evidence of siltation within the drain at the point where a roadway crosses it just to the north of the quarry site. There has been little by way of vegetation growth on the silt pond embankments since this site was last inspected by this Inspector in 2014. I further note that the bog rampart section of the L6512 road to the north of the quarry is subsiding in places and the surface breaking up. Aggregate is being carried out onto the L6512 from the principal exit from the washing plant area – and the surface of the road is breaking up. The existing wheelwash was not in operation on the date of site inspection. Aggregate is also being deposited on the road at the point where the washing plant area connects to the right-of-way unsurfaced track leading to the eastern portion of the quarry. All aggregate quarried in the eastern portion of the quarry has to be transported via this route across the L6512. Sight distance at these connection gateways is good in either direction.
- 2.4 The two-storey old farmhouse on elevated ground to the southwest of the washing plant remains unoccupied. There are two houses and two half-completed houses on the L6464 immediately to the south of the proposed quarry extension area. These houses, whilst not shown on drawings submitted with the application, are clearly visible on OS maps – in particular the OS extraction map on which the Board has registered the quarry application. Work has commenced on restoring large swathes of the western quarry (the subject of substitute consent application SU0073).

### **3.0 Proposed Development**

- 3.1 Permission was sought on 21<sup>st</sup> January 2016, for quarrying development for a number of elements on three distinct parcels of land – all within the wider quarry lands in this area-

- Extension of sand & gravel extraction area by 2.74ha.
  - Extension/replacement of existing silt ponds by 1.47ha.
  - Continued operation of existing washing and screening plant area (0.3ha). Estimated maximum discharge of 110m<sup>3</sup> per day to the silt ponds.
  - Phased reinstatement of all quarried areas and all silt ponds to agricultural use.
- 3.2 The application is accompanied by an Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS).
- 3.3 [I note that the letter which accompanies the application refers to significant reinstatement works (to be completed within six months) of that portion of the wider quarry on the west side of the L6512 access road, and that it is proposed to omit any application under section 37L on that part of the quarry lands (the subject of application for substitute consent ref. SU0073). This work had commenced on the date of site inspection].

#### 4.0 Planning History

The planning history of the wider quarry (the subject of applications for substitute consent SU0072 and SU0073 is set down within those respective files. Of particular note to this current application to the Board is-

**Ref. EN06/226:** This is an enforcement file in relation to construction of silt ponds on top of cut-over bog within the site as outlined in red, and forming part of substitute consent application site ref. SU0072. The latest correspondence on the file would appear to date from 25<sup>th</sup> June 2010. An application for retention of these ponds was subsequently lodged with Galway County Council **ref. 10/1040**.

**Ref. 10/1036:** Permission refused to Finnegan's Sand Ltd. on 16<sup>th</sup> March 2011, for retention of, and continuation of use of, a sand washing plant (0.298ha). The site was located on the west side of the access road (within that portion of the quarry which is the subject of substitute consent application ref. SU0072). Permission was refused on grounds of impact on the Lough Corrib SAC and absence of information relating to wastewater treatment facilities.

**Ref. 10/1040:** Permission refused on 16<sup>th</sup> March 2011, for retention and continued use of silt ponds (2.76ha). Applicant was Finnegan's Sand Ltd. The site was located on the east side of the access road (within that portion of the quarry which is the subject of substitute consent application ref. SU0072). Permission was refused on grounds of impact on the Lough

Corrib SAC, absence of information relating to wastewater treatment facilities and negative impact on public health.

**Ref. 11/989:** Permission granted on 2<sup>nd</sup> September 2011, for retention of sand washing plant (0.298ha). Applicant was Finnegan's Sand Ltd. The site was located on the west side of the access road (within that portion of the quarry which is the subject of substitute consent application ref. SU0072). On appeal by 3<sup>rd</sup> parties to the Board (**PL 07.239615**), permission was refused on 29<sup>th</sup> July 2013, for two reasons. The first reason related to the washing plant forming part of a quarry which was to be the subject of an application to the Board for substitute consent, where no such application had been so lodged. The second reason related to the piecemeal nature of the development in dealing with drainage and environmental management at an extensive quarry site.

**Ref. 11/1030:** Permission granted on 14<sup>th</sup> May 2012, for retention and continued use of silt ponds (2.76ha) for a temporary period pending construction of new ponds on the opposite side of the road. Applicant was Finnegan's Sand Ltd. The site was located on the east side of the access road (within that portion of the quarry which is the subject of substitute consent application ref. SU0072). Condition 5 provided for a bond for reinstatement of the land. Condition no. 2 referred to an existing Waste Permit WR/146.

## **5.0 Planning Context**

### **5.1 Development Plan**

The relevant document is the Galway County Development Plan 2015-2021. The Plan recognises the importance of quarries to the economic development of the county. Section 6.21 deals with 'Mineral Extraction and Quarry Policies and Objectives'. The landscape classification is the lowest of five – 'Low Sensitivity'.

### **5.2 National & Regional Guidance**

Of relevance are the following-

- Quarries & Ancillary Activities: Guidelines for Planning Authorities, April 2004 – issued by the Department of Environment, Heritage and Local Government.
- Regional Planning Guidelines for the West Region 2010-2022.
- Section 261A of the Planning and Development Act 2000 and related provisions (January 2012) and Section 261A Supplementary Guidelines (July 2012) – issued by the Department of Environment, Community and Local Government.

## **6.0 Planning Authority Report**

The Board referred the application to Galway County Council for comment – by letter dated 22<sup>nd</sup> January 2016.

### **6.1 Galway County Council**

The response of GCC, received by the Board on 2<sup>nd</sup> March 2016, can be summarised in bullet point format as follows-

- The site was inspected on 4<sup>th</sup> February 2016, and the site notice was in place.
- It is considered that the quarry complies with the objectives of the Development Plan.
- Development consent should be granted for this quarry.
- Conditions relating to the following should be attached to any grant of permission-
  1. Contribution of €10,000 towards upgrade and maintenance of access roads.
  2. Relating to warning signage on approach roads.
  3. Relating to refuelling and bunding of storage tanks.
  4. Relating to removal of waste off-site to licensed/permitted waste facilities.
  5. Relating to agreement of a restoration plan with the Council.

### **6.2 Applicant's Response**

The submission of Galway County Council was referred to the applicant for comment. The response of Archer Consulting Ltd, agent on behalf of the applicant, Finnegan's Sand Ltd, received by the Board on 1<sup>st</sup> April 2016, can be summarised in bullet point format as follows-

- Applicant has always ensured that extraction and transport operations have been carried out in a safe and responsible manner.
- More than 1km of road has recently been repaired by the applicant.
- The applicant accepts the request to pay €10,000 towards roads improvements, but suggests that the best way to do this is for the applicant to carry out the work, whilst liaising with GCC.
- The applicant is happy to maintain warning signage on the approach roads.
- Good practice will be observed when refuelling machinery.
- Recyclable waste will be removed off-site to licensed or permitted facilities.
- A restoration plan will be agreed with the planning authority – similar to reinstatement works which have already been carried out in the vicinity of the wider quarry.

## **7.0 Observations & Responses**

### **7.1 Prescribed Bodies**

By letters dated 22<sup>nd</sup> February 2016, the Board invited the following Prescribed Bodies to comment on the application-

- Department of Communications, Energy and Natural Resources.
- Transport Infrastructure Ireland.
- Inland Fisheries Ireland.
- Development Applications Unit of Department of Arts, Heritage and the Gaeltacht.
- The Heritage Council.
- An Taisce.
- Health Service Executive.
- An Chomhairle Ealaíon.
- Fáilte Ireland.

### **7.2 Response of Transport Infrastructure Ireland**

The response received on 3<sup>rd</sup> March 2016, indicates no objection to the proposal, subject to recommendations on traffic from the EIS being included by way of condition in any grant of permission.

### **7.3 Observations from Individuals**

None received.

## **8.0 General Assessment**

The principal issues of the proposed development relate to residential amenity (noise, dust and traffic) and potential for contamination of surface waters through discharge of waters from silt ponds.

### **8.1 Development Plan & Guidance**

The site forms part of the wider landholding of an existing quarry operator which extends to both sides of the access road. The Regional Planning Guidelines for the West Region do not contain any site-specific policies in relation to quarrying. The current Development Plan for the area supports quarrying – recognising the importance of the industry to the economic development of the county. The Council was satisfied that the proposed extension to an existing quarry was in accordance with the policies and objectives contained within the Plan – particularly in relation to landscape. I would concur with that assessment. The proposed development is in accordance with the Quarries and Ancillary Activities Guidelines 2004.

## **8.2 Development Contribution**

The report of Galway County Council on this application recommends that a condition be attached to any grant of planning permission requiring the payment of a one-off contribution of €10,000 towards the upgrade and maintenance of the local road network. It is not indicated if this is in the nature of a contribution required under the Development Contribution Scheme or is a Special Development Contribution. However, I would be satisfied that it is in the nature of a Special Development Contribution. The applicant indicated a preference for direct labour rather than payment up front of such an amount. This is a matter for Galway County Council. A requirement to pay a Special Development Contribution of €10,000 should be attached to any grant of planning permission. The Development Contribution Scheme for Galway County Council (adopted on 29<sup>th</sup> February 2016) is not referenced in the report of Galway County Council to the Board dated 2<sup>nd</sup> March 2016. However, the Scheme clearly provides for a development contribution for quarries at the rate of €17,000 per ha of extraction. In the instance of the current application this would amount to €46,580 i.e. €17,000 x 2.74. A condition should be attached to any grant of planning permission requiring payment of a development contribution of this amount.

## **8.3 Lifetime of Any Permission/Hours of Operation**

8.3.1 Page 28 of the EIS indicates that it is proposed to extract approximately 50,000 tonnes of sand & gravel per annum over a ten-year period. I would not see that there is any benefit to restricting the lifetime of any grant of permission at this quarry – particularly in view of the long-term operation of quarrying activity in this area and to the variability of demand for aggregate – depending on the health of the construction industry in general, and competition from other suppliers in an area.

8.3.2 The hours of operation of the proposed development are indicated as 0900-1800 Monday to Friday [elsewhere within the EIS as 0800-1800 and 0700-1800] and 0900 to 1500 on Saturdays. Such hours of operation are largely in accordance with the 2004 Quarry Guidelines (1400 hours being recommended for Saturdays). A condition should be attached to any grant of planning permission requiring hours of operation to be in accordance with the Quarry Guidelines 2004.

## **8.4 Restoration**

Map 007 which accompanies the application indicates finished ground levels upon completion of quarrying. Land is to be returned to agricultural use. [I note that section 12.8 of the EIS refers to the creation of a lake of 0.5ha to provide for biodiversity on the restored lands – without indicating



where it is to be located or how it is to be kept full of water – where quarrying is not proposed below the water table]. Ground levels are shown at between 55.0m and 57.0m within the extended quarried area, where ground levels are currently up to 75.0m along the ridge. Slopes around the quarry extraction area will be graded back up to the level of surrounding lands to the northeast, east, southeast, south and southwest. The area for the silt ponds will be graded to a level of 53m – only slightly above the existing ground level – indicating that the silt ponds and their contents will effectively be removed and spread over lands to the southeast. There is no reference made to restoration within the washing plant area. I note that lands to the northwest of the proposed expansion area were previously quarried and have been restored to agricultural use. Quarry lands on the opposite side of the access road are currently undergoing restoration to agricultural use. I would be satisfied that the restoration proposals, as outlined, are acceptable in principle. Galway County Council requested that a condition be attached to any grant of planning permission concerning agreement with the Council in relation to a restoration plan. A condition requiring payment of a bond to Galway County Council for restoration of this quarry should be attached to any grant of planning permission issuing from the Board.

## **8.5 Other Issues**

### **8.5.1 Fencing**

Access to the quarry extension area will be controlled by existing hedgerows, berms and post & wire fences. Signage will be erected warning people to keep out. Barriers and gates control access to the sections of the quarry on either side of the road.

### **8.5.2 Waste Materials**

All waste materials are stored at the quarry washing area and recycled/disposed of by licensed contractors.

### **8.5.3 Floodlighting**

Demountable floodlighting is provided at the quarry washing area only, in the interests of public safety. This is reasonable.

## **9.0 Environmental Impact Assessment**

### **9.1 General Comments**

The EIS is accompanied by a Non-technical Summary (contained within the main volume). There are no appendices with the EIS. I would note that the number of maps and photographs submitted with the EIS is limited.

## **9.2 Consideration of Alternatives**

Section 3 of the EIS refers to alternatives. Having regard to the nature of the application, consideration of alternative sites is not relevant – being an extension to a working quarry, where infrastructure is already in place. Again, consideration of alternative means/methods of extraction is not relevant, having regard to the limited extent of the proposed expansion area. The quarry resource is as it is. The means of treatment of silt is standard, and the location of the proposed new ponds is within a worked-out quarry area. The applicant concludes that given the ownership of the site, and the value of the resource, there are no alternatives to the continued operation of this quarry. This would appear to be reasonable.

## **9.3 Structure of Environmental Impact Statement**

The EIS submitted examines the impact of the proposed development under a grouped format approach, with each of the impact areas set out in Article 3 of the EIA Directive being addressed for potential impacts, proposed mitigation measures, and residual post-mitigation effects. There are separate chapters covering human beings; soils & geology; ecology; surface & ground water; air quality; climate; noise & vibration; landscape & visual impact; archaeological, architectural & cultural heritage; material assets; traffic & transportation; and the interaction of the foregoing. The EIS addresses the main likely significant direct and indirect effects that the development will have on the environment.

## **9.4 Historical/Current Operating Level**

In terms of impacts, and having regard to the concurrent applications for substitute consent before the Board (refs. SU0072 and SU0073), it is noted that the wider quarry site is operating at an historically low output level relative to the height of the economic boom, when the quarry was registered under Section 261 (in two separate parts). The expansion of the quarry beyond the permitted/registered boundary has resulted in the two applications for substitute consent. This current application relates to expansion at the eastern portion of the overall quarry – relating to SU0072 only (and it has been indicated that the quarry the subject of SU0073 is being restored to agricultural use).

## **9.5 Human beings**

- 9.5.1 Section 5 of the EIS deals with this issue. The issue is further addressed in other sections of the EIS such as climate, noise, visual impact and traffic. The quarry is stated to employ five full-time staff. The impact of the development on population or employment is considered to be minor. There is stated to be one house within 70m of the quarry – but no

indication is given of the location of this house, or indeed any other houses in the vicinity. There is a farmhouse on the eastern side of the access road, which would appear to be occupied by the owner of lands on the eastern side of the access road, which were formerly used for quarrying and which have now been restored to agricultural use. The maps submitted with the application are blown-up copies of older 6" maps – so there is not much included by way of newer development. Aerial photographs are an aide to illustrating the settlement pattern in the vicinity of the site. There is one two-storey house within the western quarry – currently unoccupied. It would appear to belong to the farmer from whom the quarry is rented/was sold. It is indicated as being outside the blue line control of the applicant in this current application (but within the blue line of control relating to SU0073). There is an unoccupied house further to the south on the access road L6512, with a newer bungalow built just to the south of it. There is a two-storey house at the junction of the L6512/L6464 just to the south of the aforementioned bungalow – together with a derelict/unoccupied two-storey house. There is a derelict farmhouse to the southeast of the proposed new silt ponds – within the blue line control of the applicant. There is a farmhouse to the southeast of the proposed quarry extension area – again located within the blue line control of the applicant – approximately 35m from the proposed expansion area. There are two houses (and an additional two half-constructed houses) immediately to the south of the proposed expansion area. I estimate that the closest of these houses is within 50m of the proposed expansion area. There are no houses within the bog to the north of the quarry site.

- 9.5.2 Having regard to the pattern of development in the vicinity, particularly in relation to extensive quarrying, the level of extraction proposed, the nature of the material to be extracted and the methods to be used, and the mitigation measures to be put in place to prevent nuisance from noise and dust, I would consider that the proposed development will not have any significant impacts on human beings. I note that there have been no objections received by the Board to the expansion of the quarry.

## **9.6 Soils & Geology**

- 9.6.1 Section 6 of the EIS deals with these joint issues. The site is underlain by the Kilbryan limestone formation. There are isolated Waulsortian reefs (mudstones) within the formation. Weathering of upper limestone layers is widespread in the area. There are no karst features in the vicinity of the quarry site – the closest being indicated at 3.8km to the northeast. Soils and sub-soils are largely dominated by ice age deposits of sand and gravel till. Peat and alluvium deposits are in existence to the northwest and north of the quarry. The quarry is situated along the quaternary geological boundary of sand & gravel with some clay deposits. Removed overburden has been used in the construction of berms and

embankments, and future stripping in the quarry expansion area is to be stored for re-use in restoration to agricultural use. Obviously, the removal of sand & gravel is a permanent impact on geology. However, in terms of the amount of such material in existence within the wider area and nationwide, the impact is negligible. It is stated at page 58 of the EIS that all extraction will occur above the water table.

- 9.6.2 Approximately 500,000 tonnes of sand and gravel is to be excavated from the proposed extended area – extracted using excavators. There is no blasting proposed.
- 9.6.3 There is no indication of any boreholes drilled on this site – apart from the well which serves the aggregate washing plant. The permitted silt ponds have been constructed on cut-over peat. The EIS states that the ponds are nearing the end of their life - almost completely full (borne out by this Inspector on the most recent date of site inspection). There is no evidence of any subsidence around the ponds – drains having been dug around the base of the embankments supporting them. There is a small amount of water in only a limited area of the ponds.
- 9.6.4 Having regard to the extensive nature of quarrying in the vicinity, I would consider that the proposed expansion of this quarry by 2.74ha, will not have any significant impact on bedrock or soils in this area.

## **9.7 Ecology**

- 9.7.1 Section 7 of the EIS deals with this issue. Further information in relation to European sites is included within the NIS which accompanies the application, and it is not proposed to repeat it here. A field survey was carried out in October (year unspecified). [This may be October 2013, by reference to the rEIS which accompanied substitute consent application SU0072]. The area for expansion is semi-improved grassland with some isolated hawthorn trees amongst the remains of dry-stone walls. A non-exhaustive list of species of flora encountered is set out at Table A1 of Appendix III of this section. No rare or protected plants were recorded. The general habitats of the wider area are characterised by improved grassland, raised bog, wet heath, fen and esker ridges of sand & gravel. Table 7.2 lists the 19 habitats within the survey area – the principal one of which is ‘active quarries’ with subsidiary areas of improved and semi-improved agricultural grassland, wet heath, and recolonising bare ground. The habitats are mapped at Drawing 004 of the EIS. The wet heath corresponds to the EU Annex I habitat ‘North Atlantic wet heaths with *Erica tetralix*’. Rich fen and flush habitat (again an EU Annex I habitat) exists at the base of the existing slope of the silt ponds – outside of the site as outlined in red.

- 9.7.2 Macro-invertebrate sampling was carried out at three points on the Sinking River (SR1, SR2 & SR3) to the north. Whilst there is no map accompanying the EIS to indicate the locations of the sampling points, 3 no. colour photographs and an annotated aerial photograph give a rough indication of their location. They are stated to be one upstream, one adjacent to, and one downstream of, the quarry drain discharge to the Sinking River. Table A2 lists the macroinvertebrate species encountered. The EPA water quality monitoring of the Sinking/Clare Rivers indicates variable levels of pollution over the years 1984-2012 – outlined at Table 7.3. Silt in the upper levels of the Sinking River renders it unsuitable for salmon spawning. White-clawed crayfish were encountered at location SR1 only.
- 9.7.3 Two badger setts were recorded to the west of the larger overall quarry area on the other side of the access road. Badger activity was recorded further down the drain from the silt ponds discharge point. Otter activity was recorded in this latter area also. Other mammalian species are likely to occur in the vicinity of the quarry. These species are present, notwithstanding active quarrying at the site.
- 9.7.4 A total of 19 bird species was recorded at the quarry (Table 7.4). Sand martin nests were recorded in the active and disused areas of the wider quarry. Exposure of sand cliffs, suitable for nesting, is a beneficial impact of the quarry. None of the species recorded appear on the Red List of Birds of Conservation Concern.
- 9.7.5 There was reported to be no build-up of sediment in the drainage ditch at the point of discharge from the silt ponds on 29<sup>th</sup> & 30<sup>th</sup> October 2013, although some silt-related turbidity was present along much of the drain. There was evidence of silt at the point of discharge from the settlement lagoons on 8<sup>th</sup> April during heavy rain. A small amount of water was spilling over from the silt ponds which are almost completely full. Vegetation within the drain is stated to help precipitate out suspended solids, to the extent that there was no turbidity visible in the lower reaches of the drain prior to discharge to the Sinking River. This was borne out on the date of site inspection by this Inspector, where silt had been precipitated out of the drain some 150m to the northwest of the existing silt ponds. However, I would be satisfied that the extensive vegetation within drains is helping to deal with the existing escape of silt from the existing ponds. I would note that the application provides for new silt ponds.
- 9.7.6 The closest Natural Heritage Area (NHA) is Slieve Bog (Site code 000247) some 7km to the east of the quarry. This separation distance would ensure that the operation of the quarry has no impact on the NHA.

- 9.7.7 I note that there are no indications of any bat surveys or insect surveys for this site. There are no old buildings within the quarry site – although there are some abandoned farm buildings located between the quarry expansion area and the proposed new silt ponds. These abandoned buildings are surrounded by mature trees – many of which are rogue species grown wild. There are no caves or rock fissures within the quarry, suitable for bat roosting or nesting. There are no mature trees or hedgerows within the quarry expansion area, although there are mature pine trees on the southern boundary of the expansion area. Quarrying is not carried out at night – although temporary floodlighting is present at the washing plant, indicative of activity during hours of darkness. I would be satisfied that quarrying at this site will not have any significant impact on bat species.
- 9.7.8 Mitigation measures employed in relation to maintaining water quality and limiting noise and dust emissions will have a beneficial impact on ecology. Apart from this, no mitigation measures are proposed.
- 9.7.9 The proposed development will result in changing habitats which will benefit some species and be detrimental to others. It is proposed to restore the quarry and return it to agricultural use upon completion of quarrying (estimated at 10 years). There are no nature conservation designations in the immediate vicinity of the site. The quarry expansion area comprises semi-improved dry calcareous grassland. I would be satisfied that the proposed quarry extension would not have any significant impact on the ecology of the area.

## **9.8 Surface & Ground Water**

- 9.8.1 Section 8 of the EIS deals with the issue of water. There is a locally important gravel aquifer underlying the site. Removal of topsoil and subsoil has rendered the vulnerability of the groundwater resource 'extreme'. Surface water in the area generally flows towards the Sinking River to the north. There is no surface water discharge from the site – rain water percolating to groundwater. There is no proposed extraction of sand & gravel from below the water table. There is a small sump area to the northwest of the aggregate washing plant – outside of the site as outlined in red. Water drains from the floor of the washing area to this sump. The Cathill Group Water Scheme (GWS) supplies water in this area – including to the quarry offices/canteen. The source of this GWS is indicated as being the concrete pump-house just to the north of the right-of-way access to the quarry, and to the southwest of the existing silt ponds – at a point where bogland to the north grades into sand & gravel ridges to the south. There was quarrying carried out in the past to the west, south and southeast of this water supply source. The magnitude of risk to contamination of this borehole (particularly by accidental hydrocarbon

spillages) will not be significantly greater within an expanded area, than currently exists.

- 9.8.2 There is no bunded area for refuelling or for parking machinery. The diesel powered generator for the washing plant is not bunded either. Oil has leaked from this generator and from oil drums into the ground. Oil has also leaked from machinery. Such leakages could result in contamination of groundwater beneath the site. As there are no borehole logs for this site, it is not clear just how far below existing ground level the water table lies – particularly in the vicinity of the aggregate washing plant wherein most machinery operates and where hydrocarbons are stored. A condition should be attached to any grant of permission requiring all contaminated ground (where spillages have occurred) to be excavated and removed permanently off-site to a licensed disposal facility. This contamination is referred to at section 6.14 and Figure 6.5 of the EIS, with an undertaking given to remove any contaminated soil/ground. The development provides for construction of a concrete hard-stand area measuring 10m x 10m in the vicinity of the aggregate washing plant. This area will be fitted with a central gully draining to an hydrocarbon interceptor, prior to discharge to the sump in the northwest corner of this aggregate handling area. This area is to be used for parking and refuelling of vehicles. A condition should be attached to any grant of planning permission requiring construction of bunded areas for all hydrocarbon storage on site, as well as for the diesel generator at the washing plant (this latter indicated on drawings submitted). Such work should be carried out within three months of the date of any grant of permission.
- 9.8.3 The aggregate washing plant is stated to be fed from an on-site well – indicated on drawings to be located beside the washing plant. Process water from aggregate washing on the western side of the access road is pumped to silt ponds on the eastern side of the access road – maximum of 110m<sup>3</sup> per day. It is stated that flocculant is added to assist in settling out fines. The outfall from the silt ponds is to a heavily-vegetated drain which debouches into a larger drain (again heavily vegetated) at the confluence of a number of other land drains. There is a 36” diameter concrete culvert beneath the road at this location, and the larger drain ultimately discharges to the Sinking River to the north. There is a fenced cattle drinking area within the stream at this culvert beneath the adjoining public road. The distance between the discharge point and the Sinking River is approximately 750m. Section 8.4 of the EIS refers to analysis and investigations carried out by the DoEH&LG and review of same by the Western Regional Fisheries Board in 2007. However, no further details are given – and it may be that the analysis was of a general nature, and not specific to this quarry site.

- 9.8.4 Tables 8.2 & 8.3 of the EIS provide water quality monitoring results from the silt ponds and from the discharge stream. It is not indicated when this testing was undertaken, but it is likely to have been carried out in October 2013 by reference to the rEIS submitted with substitute consent application ref. SU0072. I note that the exact sampling points are not indicated. The result for coliforms in the stream was elevated, whilst being completely absent from settlement lagoon sample. As mentioned in the paragraph above, there is a cattle drinking point within the drain beside the culvert beneath the road to the north of the quarry site, which might account for the elevated levels of coliforms.
- 9.8.5 The EPA monitoring results for the Sinking River and Clare River are variable over a considerable period of time. Sampling at three points in the River SR1, SR2 & SR3 has indicated macro-invertebrates tolerant of polluted waters.
- 9.8.6 The office/toilet cabin on site is located outside of the red line boundary of this application. The septic tank serving the toilets is to be removed, and replaced with a chemical toilet. This will be an improvement on the existing arrangement, where any sand & gravel beneath this site would not be the most suitable percolation medium for a septic tank system. The outfall from any sink in the canteen should be to the chemical toilet.
- 9.8.7 Remedial measures to be put in place are stated to include-
- Maintenance of silt ponds in good working order: with provision of baffles within them.
  - Double silt fence at outfall from silt ponds.
  - Sealing of any conduits on quarry floor, capable of conducting surface water away from the site.
  - Storage of fuel/lubricant in bunded areas [although none such exist, or if they do exist, they are buried].
  - Maintenance of plant and machinery in good working order.
  - Spill kits and oil absorbent materials to be stored in the vicinity of plant, in the unlikely event of an hydrocarbon spillage.
- 9.8.8 It is stated in section 8.10 of the EIS that quarterly monitoring of the production well adjacent to the washing plant (180ft deep) and the source well for the Cathill GWS (20ft deep) will be undertaken. In addition, surface water monitoring will be carried out on a quarterly basis at three locations – the outfall from the silt ponds, the receiving stream (a short distance downstream of the quarry where the 36” diameter culvert beneath the road is located) and the existing sump to the northwest of the washing plant. Grid references for all five monitoring points are indicated, and these are further illustrated on an annotated colour aerial photograph (Figure 8.2).



9.8.9 I would be satisfied that, having regard to the nature of the application (expansion of an existing quarry with provision of new silt ponds), and to the mitigation measures outlined in the EIS, the proposed development would not result in any significant impact on the hydrology or hydrogeology of the area and would not have any significant impact on these aspects of the environment.

## **9.9 Air**

9.9.1 Section 9 of the EIS deals with the issue of air quality. An expansion of this nature will not have any significant impact in relation to release of greenhouse gases from machinery and plant. The principal impact of a quarry on air quality will relate to dust. No drilling or blasting is carried out at this site. There is a wheel-wash at the entrance to the western portion of the wider quarry site, but not on the eastern portion. It was not in use on the date of site inspection in April 2016. According to the rEIS submitted with substitute consent application SU0072, dust deposition was measured in 2007-2008 at four points. The tests were carried out from November-January – the highest deposition being 186mg/m<sup>2</sup>/day. Further monitoring was carried out in October-November 2013 at three points – the highest deposition being 111mg/m<sup>2</sup>/day. The time of year would indicate lower levels – summer readings would likely be higher. Figure 9.1 of the EIS would appear to be an amalgamation of the results outlined in the rEIS submitted with application ref. SU0072 – for six measurement points. Drawing 005 indicates the location of 4 no. dust monitoring locations – without specifying what period they relate to. Whilst some material had been carried out onto the L6512 at the entrance to the quarry, there was no indication of any significant deposition of dust along roadside boundaries or hedgerows in the area on the date of site inspection. There was no evidence of any dust-suppression measures on the site on the date of site inspection. There was no evidence of any significant wind-blown dust from dried-out silt on surrounding lands. Quarry faces and berms will act as barriers to migration of dust off-site. Mitigation measures in place are stated to include the following-

- Stockpile management to ensure that large stockpiles are not built up.
- Surfaces sprayed with water during dry periods.
- Stockpiles sprayed with water during dry periods.
- On-site speed limits.
- Covering of trucks where dusty materials are being carried off-site.

9.9.2 I would be satisfied that, having regard to the nature of the application (expansion of an existing quarry with provision of new silt ponds, and use of existing crushing, washing and grading facilities), and to the mitigation measures outlined in the EIS, the proposed development would not result in any significant impact on the air quality of the area. A condition should

be attached to any grant of planning permission requiring compliance with the maximum dust deposition of 350mg/m<sup>2</sup>/day (measured over a 30-day period) contained within the Quarry Guidelines 2004.

## **9.10 Climate**

Section 10 of the EIS deals with this issue. A quarry extension of this size will have no significant impact on climate.

## **9.11 Noise & Vibration**

9.11.1 Section 11 of the EIS deals with these joint issues. There is no blasting carried out at this quarry, so vibration is not an issue for consideration. Noise survey monitoring locations (6 in total) are indicated at Drg. No. 006. Information contained within the rEIS, submitted with substitute consent application ref. SU0072, indicates that a noise survey was carried out on Wednesday 18<sup>th</sup> September 2013 between 1100 and 1730 hours, at a total of five locations – four within the western portion of the wider quarry, and the fifth at the entrance to the house to the south of the principal entrance to the quarry. Samples were taken at 15-minute intervals. There appear to be just four results for each of the five locations. Levels varied from 53-55dBA. As the quarry did not operate at night-time, no survey was undertaken for night-time hours. Table 11.1 of the EIS indicates noise survey results at the 6 noise monitoring points (between 1 and 4 results for each), without indicating the time or date at which the measurements were taken. Certainly for N1, the values are remarkably low for what is the processing area. The principal noise from this quarry will be from crushing, screening and washing plant, and from loading shovels, with subsidiary noise from HGVs (used to transport a maximum of 75,000 tonnes per annum from the quarry). Noise from the washing plant was clearly audible from the adjoining road. Mobile crushing and screening plant will be located on the quarry floor – noise from which will be to some degree attenuated by cliff faces. Mitigation measures proposed include the following-

- Construction of further earth berms around the quarry expansion area.
- Maintenance of access roads, within the quarry, free of potholes.
- Maintenance of plant/machinery on site.
- Minimising drop heights of materials.

9.11.2 As referred to elsewhere in this report, the location of noise-sensitive receptors (houses) in the area has not been indicated. There are no maps included with the application or EIS showing the location of houses. The location of houses in the vicinity of this quarry has been described elsewhere in this Inspector's Report. The most affected house (to the southeast of the proposed expansion area) would appear to be in the

control/ownership the applicant – being within the blue line of drawings submitted with the application. There are two other houses less than 50m to the south of the expansion area – which are not indicated as being within the blue line holding of the applicant.

9.11.3 I would be satisfied that the undulating landscape, location of plant on the quarry floor, nature of the material to be extracted, the presence of earth berms and, finally, the separation distance of the quarry from houses in the area would result in noise nuisance from a quarry expansion of this nature not being significant. A condition should be attached to any grant of planning permission requiring that noise emissions be within the parameters set down within the Quarry Guidelines 2004 – 55dB(A) by day-time ( $L_{a_{eq}}$  1 hour) and 45dB(A) by night-time ( $L_{a_{eq}}$  15 minutes).

## **9.12 Landscape & Visual Impact**

9.12.1 Section 12 of the EIS deals with this issue. The principal land-uses in the area are agriculture and cut-over bog. There are some exhausted gravel pits in the area. Housing in the area is scattered. Site visits were stated to have been undertaken in September, October and November (years unspecified). I note that site visits were undertaken in September and October 2013 for the purposes of compiling the rEIS submitted with substitute consent application ref. SU0072. There are no areas either within or adjoining the quarry which have specific landscape designations in the current Galway County Development Plan. The landscape sensitivity for this area is rated as ‘low’ – the least sensitive of the five classes within the county. The section is accompanied by six colour photographs of the quarry and the surrounding roads. The removal of soil and hedgerows have had an impact on the landscape. The wider quarry is clearly visible from the L6512 access road. Berms around the washing plant help to screen it from view. There are no walking or cycling routes marked out in this area.

9.12.2 The number and quality of the photographs which accompany this EIS is limited. Photographs attached to this Inspector’s Report provide additional visual aid in assessing the impact of the quarry on the landscape. The quarry expansion area will be clearly visible from the L6512 – particularly when approaching the quarry from the north. The silt ponds (up to 8m above surrounding ground levels) are clearly visible from the L6512. Pond embankments have not yet been fully colonised by vegetation, and so are more visible on the landscape. Notwithstanding this, the ponds are located on the lowest portion of the eastern portion of the wider quarry, and do not protrude unduly above the skyline. These ponds are to be removed and replaced with ponds which will be 3m above surrounding ground level – considerably less intrusive than those which exist at present. The quarry is surrounded by agricultural land. The ridged nature

of the landscape in this area serves to somewhat disguise the existing quarry, and will also serve to partly screen the proposed extension from view. I note that some former quarry lands to the northwest of the proposed new extraction area have been restored to agricultural use. It is proposed to similarly restore the lands at the quarry the subject of this application – this being the principal mitigation measure. The quarry extension is stated to have an expected lifetime of ten years. The creation of berms using stripped topsoil, around three sides of the quarry extension, will also function to screen the quarry void from view. I would consider that extension of quarrying in this area will not have a significant impact on the landscape.

### **9.13 Archaeology, Architecture & Cultural Heritage**

9.13.1 Section 13 of the EIS deals with these associated issues. There are no identified archaeological sites within the red line boundaries of the site. There are stated to be a total of 5 no. archaeological sites within 100m of the quarry – the location of which are not shown on any map. It is stated that a lime kiln within the wider quarry site has been obliterated, as have two further lime kilns immediately outside the wider quarry boundary to east and west. There is a Children’s Burial Ground on the northeastern boundary of the quarry (GA017-13001) – with a buffer zone of 75m indicated between it and the new silt ponds – illustrated at Figure 13.1 of the EIS. This buffer zone is a grassed field. Quarrying in the past has not had any impact on this monument.

9.13.2 There are no Protected Structures located either within or immediately abutting the quarry site. The old farm buildings located between the proposed expansion area and the proposed silt ponds are surrounded by mature trees and have not been significantly impacted by the quarry. There is no proposal to remove these buildings or trees surrounding them.

9.13.3 Having regard to the extent of soil stripping proposed (2.74ha), it would be appropriate to attach an archaeological monitoring condition to any grant of planning permission. I would be satisfied that the proposed development will not have any significant impact on the archaeological, architectural or cultural heritage of the area.

### **9.14 Material Assets**

Section 14 of the EIS deals with this issue. The development is stated to have no impact on tourism in the area – particularly the nearby village of Dunmore. The impact on the geological resource has been examined elsewhere in the EIS. The removal of sand & gravel is not significant in terms of the quantity of such materials available throughout the wider area. There will be a loss of agricultural land. However, the loss is not

significant in relation to the quantum of such lands in the area. Restoration of the quarry will return some lands to agricultural use. The impact on roads is dealt with elsewhere in the EIS. This quarry extension will not have a significant impact on material assets in the area.

## **9.15 Traffic & Transportation**

9.15.1 Section 15 of the EIS deals with these issues. The level of traffic currently accessing and leaving this wider quarry is at an historically low level; compared with the height of economic activity in 2002/2003. The County Development Plan looks favourably on the development of quarries within the county. The quarry is approximately 4km from the N83 and 6km from the N17. The connecting county road network is narrow and twisting. HGV movements are currently estimated to be 60-70 loads per week and there is no proposal to increase this. Works have been carried out by the quarry operator to the local road network in order to improve sight visibility. Local improvements have been carried out to the Cathill junction in association with the local authority. The quarry generates a low volume of traffic relative to the carrying capacity of the road. The increase in traffic in terms of peak flows on National Routes is negligible. Warning signage has been erected on roads approaching the quarry. There is a wheel-wash in place at the exit from the aggregate washing area – although it was not in use, and aggregated is being deposited on the road at the access points – contributing to the disintegration of the surface.

9.15.2 The L6512 access road to the quarry is narrow and twisting. Sight distance at the main entrance to the aggregate washing area is good in both directions. Notwithstanding the 80kph maximum speed limit, the alignment of the road would not allow for such speeds. The L6512 was quiet on the date of site inspection. I have elsewhere in this report commented on road improvements carried out and the nature of financial contributions which might be paid. The additional/extended traffic movements which an extension of this nature would generate will not have a significant impact on the road network in the area, notwithstanding the narrow nature of those roads.

## **9.16 Interaction between Aspects of EIS**

Section 16 of the EIS addresses the issue of interaction between the foregoing headings. I do not consider that there are any significant interactions which have not been addressed within the EIS.

## **9.17 Conclusion**

The EIS is in compliance with Articles 94 and 111 of the Planning and Development Regulations, 2001, as amended. The EIS contains the

information specified in paragraphs 1 & 2 of Schedule 6 of the Regulations. There is an adequate summary of the EIS in non-technical language. The EIS identified the likely significant direct and indirect effects of the operation of the quarry on the environment. I would be satisfied, having regard to the preceding subsections of this Report, that the operation of this quarry extension would not have a significant impact on the environment.

## 10.0 Appropriate Assessment

10.1 The application is accompanied by an NIS (dated January 2016). The document is largely the same as that prepared for the substitute consent applications SU0072 and SU0073.

10.2 European sites within the vicinity of the quarry include-

- Lough Corrib SAC (Site code 000297) – some 400m to the north of the closest part of the application site.
- Coolcam Turlough cSAC (Site code 000218) – some 12.5km to the northeast.
- Croaghill Turlough cSAC (Site code 000255) – some 14.0km to the northeast.
- Williamstown Turlough cSAC (Site code 002296) – some 9.5km to the northeast.
- Levally Lough cSAC (Site code 000295) – some 9.25km to the southeast.

The latter four of this list can be excluded from consideration owing to the substantial distances at which they are situated from the quarry, and the absence of any direct surface hydrological link between them and the quarry. It was reasonable of the applicant to exclude these four European sites at screening stage.

10.3 Lough Corrib SAC, is approximately 400m to the north of the quarry as the crow flies, but the closest point of the SAC (via surface water connection) is approximately 750m – the distance between the outfall point from the silt ponds and the Sinking River – which forms part of the wider SAC. This linkage is initially via a field drainage ditch which is heavily overgrown with vegetation, and then subsequently to a much larger drainage ditch on the opposite side of the road to the north of the quarry – which larger drain is also overgrown with vegetation. A number of field drains coalesce just to the south of the 36” diameter culvert beneath the aforementioned road. The area of the SAC is 20,556ha. It is stated that rivers (mostly to the east of the Lough) are included largely because of their importance for Atlantic salmon. The generic conservation objective is ‘to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected’. The qualifying interests of the SAC include-

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*).
- Hard oligo-mesotrophic waters with benthic vegetation of *Chara spp.*
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation.
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco Brometalia*) (\*important orchid sites).
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*).
- Active raised bogs.
- Degraded raised bogs still capable of natural regeneration.
- Depressions on peat substrates of the Rhynchosporion.
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*.
- Petrifying springs with tufa formation (*Cratoneurion*).
- Alkaline fens.
- Limestone pavements.
- Old sessile oak woods with *Ilex* and *Blechnum* in British Isles.
- Bog woodland.
- Freshwater pearl mussel (*Margaritifera margaritifera*).
- White-clawed crayfish (*Austropotamobius pallipes*).
- Sea lamprey (*Petromyzon marinus*).
- Brook lamprey (*Lampetra planeri*).
- Salmon (*Salmo salar*).
- Lesser horseshoe bat (*Rhinolophus hipposideros*).
- Otter (*Lutra lutra*).
- Slender green feather-moss (*Drepanocladus vernicosus*).
- Slender naiad (*Najas flexilis*).

10.4 Juvenile Brook lamprey are recorded in the Sinking River. Atlantic salmon, which use the headwaters of the SAC for spawning, are not common in the Sinking River due to lack of gravels in the river. Otter spraints were encountered along the drain which discharges into the Sinking River, in the survey carried out for the NIS. White-clawed crayfish were encountered at site SR1 in the Sinking River during survey work in late October 2013. Freshwater pearl mussel does not occur in the Sinking River or the Clare River. There is little by way of aquatic vegetation in the Sinking River. There are no habitats of conservation interest within or abutting that stretch of the Sinking River adjacent to the site.

10.5 Macro-invertebrate sampling was carried out at three points on the Sinking River (SR1, SR2 & SR3). Whilst there is no map accompanying the NIS to indicate the locations of the sampling points – 3 no. colour photographs of the sampling points are indicated, as is an aerial photograph. They are

stated to be one, upstream of, one adjacent to, and one downstream of, the quarry drain discharge point to the Sinking River.

- 10.6 The NPWS identifies the principal threats to the SAC as pollution from agriculture and sewage discharges; which are causing localised eutrophication. Housing and boating are causing a loss in local lakeshore vegetation. Drainage and harvesting of peat is causing damage to raised bog habitats. Discharge from the silt ponds within this quarry is to a field drain. Whilst the exact location of this discharge point is not indicated on drawings or maps submitted, it was easily located on the date of site inspection by this Inspector. It is assumed that the discharge from the proposed new silt ponds will be to the same drain – there being none other in the area. The outfall drain discharges north to the Sinking River; a tributary of the Clare River, which in turn drains into Lough Corrib just to the north of Galway City. The Sinking River, and the drain which debouches into it, have been the subject of excavation, to deepen and widen the watercourses, in the past. Spoil deposited on their banks has re-vegetated naturally.
- 10.7 The principal threat to the SAC water body is the discharge from the silt ponds. I would note that planning permission was granted on 14<sup>th</sup> May 2012 for retention of the existing silt ponds at this quarry (ref. 11/1030). The application was stated to be for retention on a temporary basis, pending levelling, reinstatement and re-use for agricultural purposes. The manner in which this is to be achieved has been outlined in the current planning application. It is proposed to replace the existing silt ponds with new ponds immediately to the southeast (within a worked-out area of the quarry) – an area of 1.47ha. Sludge from the washing plant on the opposite side of the road will be pumped to the new ponds – with discharge to the same field drain. Some silt was escaping from these ponds. Notwithstanding the escape of silt, the vegetation within the drain was assisting in the precipitation to the extent that there was no evidence of any silt some 200m downstream of the outfall – at the junction of two field drains. The existing silt ponds are substantial structures and are almost full of silt at this stage. There is stated to be no silt in the discharge from the drain into the Sinking River. I would be satisfied that the constructed silt ponds have effectively trapped significant volumes of sediment from this quarry (as would new replacements), and that the vegetated nature of the 750m length of field drains further assists in precipitating out any residual silt which might be discharged. The heavily vegetated drains are not suitable for Salmon, Brook lamprey or White-clawed crayfish. It is indicated by the NPWS that rivers (mostly to the east of the Lough) are included within the SAC largely because of their importance for Atlantic salmon. Neither the 750m length of drains to which treated waters from the quarry is discharged, nor the adjacent Sinking River, is suitable habitat for Atlantic salmon.



- 10.8 The separation distance between the Sinking River and the quarry (400m approximately) is sufficient to ensure that any fugitive dust blown from this quarry would not have a significant impact on any of the riverine conservation interests of the SAC – as most dust would settle on intervening ground.
- 10.9 A third threat to water quality is from accidental hydrocarbon spills – with pollutants working their way through groundwater to ultimately discharge to surface waters. It is evident from site inspection that machinery/plant and hydrocarbons stored in the area of the washing plant are leaking. These areas have been identified in the EIS, and remedial measures have been proposed to clean-up any contaminated ground. The spillages would appear to be minor, and would be unlikely to result in a threat to the integrity of the SAC.
- 10.10 The cumulative impact of the development with other plans or projects has been considered. The wastewater treatment plant for the village of Dunmore (located upstream of the quarry) has recently been upgraded. There are no other active quarries in the immediate vicinity – the remainder of the Finnegan’s quarry on the opposite side of the access road is indicated as being worked-out and is under restoration at present. Peat is harvested from the bog to the northwest of the quarry. The proposed development will not result in any cumulative impact on the SAC, when considered with any other plan or project in the area.
- 10.11 Mitigation measures suggested in the NIS include storage of fuel/lubricants in bunded areas, refuelling in bunded areas, regular maintenance of plant/machinery, and availability of spill kits. There are no other specific measures proposed. Monitoring of the discharge from the new silt ponds is recommended. It is concluded that it is not likely that there will be any significant adverse effects from the quarry development on the structure and/or function of the Lough Corrib SAC, or any other European site. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European site 000297, or any other European site, in view of the site’s conservation objectives.

## **11.0 Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below and subject to the attached Conditions. I attach a draft Order for the Board to this effect.

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

The Board had regard to, *inter alia*, the following-

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the Galway County Development Plan 2015-2021,
- (d) the Environmental Impact Statement submitted with the application,
- (e) the Natura Impact Statement submitted with the application,
- (f) the report and the opinion of the planning authority under section 37L(12)(a),
- (g) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the details contained within application for substitute consent on the site ref. SU0072,
- (k) the nature and scale of the development the subject of this application, and
- (l) the Inspector's Report.

Having regard to the nature, scale and extent of the subject development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European sites, having regard to the conservation objectives of those sites.

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects and that the subject development would not be likely to have a significant effect on the environment.

Having regard to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the subject development would not be contrary to the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 21<sup>st</sup> day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement, and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. This grant of planning permission for further extraction of sand and gravel relates only to the 2.74ha area outlined in red on drg. No. 002 submitted with the application on the 21<sup>st</sup> day of January 2016.

**Reason:** In the interest of clarity.

3. Mitigation & monitoring measures outlined in the Environmental Impact Statement and Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission. In particular, water quality sampling, as outlined in section 8.10 of the Environmental Impact Statement, shall commence within one month of the date of grant of planning permission. All results shall be submitted to the planning authority on a quarterly basis.

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

4. 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:
  - (a) Proposals for the suppression of on-site noise.
  - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
  - (c) Proposals for the suppression of dust on site.
  - (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
  - (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
  - (f) Monitoring of ground and surface water quality, levels and discharges.
  - (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

**Reason:** In order to safeguard local amenities.

5. No extraction of sand & gravel shall take place below the level of the water table.

**Reason:** To protect groundwater in the area.

6. Within three months of the date of grant of this planning permission, the following shall be undertaken-

(a) All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to the outfall north of the washing plant. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

(b) The diesel generator powering the washing plant shall be fully bunded.

(c) The existing septic tank serving the quarry offices shall be desludged and backfilled. It shall be replaced with a chemical toilet. Wash water from the canteen shall discharge to this chemical toilet also.

(d) All soil/ground contaminated with hydrocarbons shall be removed off site for disposal at a licensed facility.

**Reason:** In order to protect groundwater and surface water.

7. Scrap metal and other waste material shall be removed at least [annually] from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

**Reason:** To protect the amenities of the area.

8. 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. No activity shall take place outside these hours or on Sundays or public holidays.

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

9. The wheel-wash facility at the washing plant shall be used by all laden trucks departing the washing plant area. Any aggregate, silt, muck carried out onto the road shall be promptly removed by the developer.

**Reason:** To ensure that aggregate is not carried out onto the public road, and if it is that it is immediately removed, in the interest of traffic safety.

10. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
- (a) an  $L_{A,T}$  value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.
  - (b) an  $L_{AeqT}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

11. (a) Dust levels at the site boundary shall not exceed [350] milligrams per square metre per day averaged over a continuous period of [30] days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

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

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

12. The developer shall facilitate the archaeological monitoring of topsoil stripping within the 2.74ha quarry expansion area. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 13. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this grant of permission.

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

- 14. The developer shall pay to the planning authority a financial contribution of €46,580 (forty-six thousand five hundred and eighty euro) 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. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

- 15. The developer shall pay the sum of €10,000 (ten thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in

respect of upgrade and maintenance of access roads. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

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

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**Michael Dillon,**  
**Inspectorate.**

**20<sup>th</sup> April 2016.**