



An
Bord
Pleanála

Inspector's Report QD07.QD0023

Development	Further development of an existing Quarry.
Location	Cloughmore, Ballynahown, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	----
Applicant	Mairtin O'Flaharta.
Type of Application	Permission pursuant to S.37L of the Planning and Development Act 2000 as amended.
Planning Authority Decision	----
Observer	Michael Walsh
Date of Site Inspection	14 th October, 2016.
Inspector	Paul Caprani.

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1.0 Introduction and Background

- 1.1. QD07.QD0023 relates to an application for further development of a quarry at Cloughmore North, Ballynahown, in south-west County Galway. The current application under the provisions of Section 37L represents an amalgamation of two previously separate quarries that were registered separately under the provisions of Section 261(6)(a). In the case of both quarries, the Board determined as part of the quarry review that development was carried out after 1st February, 1990 for which an EIA may have been required but was not undertaken. Separate substitute consent applications (Reg. Ref. SU0091 and SU0092) were lodged with the Board on 7th April, 2014.
- 1.2. The current application in addition for seeking substitute consent for the works undertaken, also seeks to extend the quarrying works within the quarry site. Under the original substitute consent application consent was sought for the retrospective excavation of 3.11 hectares. Under the current application it is proposed to extend the quarrying area by a further 2.24 hectares providing a total quarried area of 5.35 hectares. The Board will note that no intensification of use is proposed under the current application. The maximum annual output to be removed is 20,000 tonnes per year (c.8,000 cubic metres). In addition, it is proposed to import c.2,000 cubic metres of clean excavated rock and soil from other sites for the temporary storage and processing to be reused in construction.

2.0 Site Location and Description

- 2.1. The quarries are located in the townland of Cloughmore Beg on the western side of the R336 Regional Route between the villages of Inverin and Casla (Costelloe) in south-west Galway. The area is sparsely populated and the and is barren comprising of shallow lithosol soils and open bog and heath interspersed with large areas of rock outcrop. As stated in the introduction, the current application represents amalgamation of two separately owned quarries which are located side by side. There is an additional quarry to the north of the site that does not form part of the

current application under QD0023. The quarry to the north appears to have been closed for some time.

- 2.2. The R336 Regional Route forms the eastern boundary of the site and there is one entrance off this route to serve the site. The stone extracted from the quarry is granite. The site entrance lies at an elevation of approximately 28 metres AOD. The topography of the ground falls slightly in a westerly direction towards Loch na nOileán, a relatively large water body to the south west of the site. The quarry extends westwards from 200 to 300 metres from the R336 and various parts of the quarry have been excavated to a depth of 4 to 6 metres below ground level (see photos attached). There are also areas of the quarry that have not been excavated to date. There are stockpiles of loose and broken aggregate located throughout the site. There are a number of streams and watercourses in the vicinity of the extracted area which flow into the adjoining lake. At the north-western corner of the site there is an excavated drainage channel which links the quarry floor to a stream which runs southwards to the west of the quarry and into the adjoining lake. There is no evidence that the water table has been breached on site. The quarry is not located within a designated Natura 2000 Site. However, the Connemara Bog Complex SAC which covers a large area in south-western Galway is located on the eastern side of the R336 directly adjacent to the site.
- 2.3. There is a weighbridge and weighbridge hut adjacent to the entrance of the site off the R336.

3.0 Existing Operations on Site

- 3.1. According to the information contained in the EIS it is stated that bulk granite aggregates have been extracted from this quarry since 1948 and have continued on an intermittent basis since this time. The quarry was not operating at the time of site inspection. Aggregate extracted from the site is generally used for civil engineering purposes including emergency road repairs and fill for coastal defence measures. The quarry currently mainly provides rocks for the applicant's own contracting business (approximately 80%) and the remaining 20% of aggregate consist of commercial supplies.

- 3.2. A mobile site office is located within the site and the various plant machinery situated on site is set out in Section 3.2 of the EIS and is apparent from the photo's attached .
- 3.3. Table 3.1 and 3.2 of the EIS (page 27) sets out the annual approximate estimates of extracted granite from the 1980s to 2015. Up until 2004 the amount of aggregate extracted ranged from 2,250 tonnes to 11,000 tonnes. Extraction peaked in 2008 where 19,000 tonnes was extracted. In 2015 approximately 8,000 tonnes was extracted. There is no water or ESB supply on site.
- 3.4. Extraction has been by means of blasting, rock breaking and mechanical excavation. Blasting, crushing and screening operations have been taking place on the site since the 1980s. Material is processed using a mobile crushing and screening plant. However, there is no washing of materials on site. The EIS states that there is no fuel storage nor wastewater treatment on site. Toilet facilities are provided by a Portaloos and are emptied on a regular basis by a licensed contractor.

4.0 Proposed Operations on Site

- 4.1. The current application before the Board seeks to extend the extraction area by another 2.24 hectares in addition to the substitute consent application area of 3.11 hectares. The total extraction area will therefore amount of 5.35 hectares at completion stage. An additional 2.75 hectares is in the ownership of the applicant but it is proposed to retain this area as a buffer around the boundary of the site. The proposed area to be extracted includes the existing unexcavated area in the north-eastern portion of the site as well as a strip of land along the southern boundary of the site. It is also proposed to extend the excavation area to the rear of the site by an additional depth of between 40 and 100 metres. The current maximum output from the quarry is 20,000 per annum. It is proposed that this will not intensify in the future. It is however proposed to import approximately 2,000 cubic metres of clean excavated rock and soil for temporary storage and processing on site and then onward transfer for construction projects.
- 4.2. In terms of the deepening of the quarry, it is stated that the extraction will continue at the current level until such time as the resource is 80% exhausted before commencement of extraction at lower levels. Drill hole data provided indicates that the baseline groundwater level of 10.9 metres has been recorded. The final

excavated depth is anticipated to be 13 metres OD (c.3 metres below current excavated ground levels). It is not anticipated therefore that the water table will be breached as a consequence of excavation.

- 4.3. Drainage management will include the use of a sump pond which will be constructed at the lowest part of the quarry floor to collect and retain rainwater and to allow for settlement. Some of the rainwater collected in the sump will be reused on site for dust control and cooling water for equipment etc. The balance will be discharged to the existing surface water drainage ditch at a rate which will not exceed existing greenfield run-off rates.
- 4.4. Finally, it is stated that there will be no maintenance of plant or machinery on site and the majority of refuelling will occur off-site.
- 4.5. Existing and proposed cross-sections are indicated in Figure 3.3 of the EIS.

5.0 Planning History

- 5.1. There is no history of planning applications or planning enforcement associated with the site. The previously separate quarries were both registered under the S261 planning registration process, on April 26th 2007.
- 5.2. Under the provisions of section 261A Galway Co Council, on August 3rd 2012 issued a notice under subsection 3(c) of the Act requiring the owners of both quarries to apply for substitute consent and that the application be accompanied by a remedial EIS and remedial NIS. This decision was subject to a review under the provisions of subsection 6(a). The Board in its decision dated 9th October 2013, determined that both operators apply for substitute consent and that each application be accompanied by a remedial EIS (rEIS) only. The review by the Board set aside the decision of the planning authority to request the applicant to submit a remedial NIS. The Board Direction also indicated that it may be appropriate to submit a single EIS in respect of both quarries. The EIS should however assess the cumulative impacts of all quarrying operations in the general area.
- 5.3. The applicant also applied for a substitute consent application in respect of the previously two separate quarries which make up the subject application (Reg. Ref. SU0091 and SU0092). A report and recommendation in respect of both these

applications were prepared. However, a decision from An Bord Pleanála was never issued in respect of these applications as the applicant now wishes to lodge a planning application for permission under Section 37L of the Planning and Development Act 2000.

6.0 Planning Application

6.1. A planning application for permission under the provisions of Section 37L was submitted to the Board on 21st January, 2016. A covering letter submitted states that both quarries (the two adjacent entities SU0091 and SU0092) are now under the ownership of the current applicant as suggested by the Board under pre-planning consultations and a single application has been submitted. This application has been accompanied by the following documentation:

- A completed application form.
- An application fee.
- A newspaper notice and site notice.
- An EIS.
- An AA Screening Report.
- Detailed drawings.
- A CD with a soft copy of the full planning application and associated documentation in digital format.

6.2. Details of the pre-application consultation which took place in the offices of An Bord Pleanála on 28th October, 2015 are contained on file.

7.0 Submissions

7.1. The following submissions were made in respect of the application.

7.1.1. *Submission from Mr. Michael Walsh*

The submission from Mr. Michael Walsh objected to the proposed development on the following grounds:

- The proposed development represents a serious environmental hazard and will adversely affect the setting of the adjoining scenic lake.
- The proposal will damage delicate flora and fauna and aquatic wildlife found in the nearby lake.
- The proposal will forever change the existing landscape which cannot be reversed.
- The proposed development will give rise to large quantities of airborne particles through blasting and dangerous chemicals being released into the air. This could have significant health implications.
- Quarries are inherently noisy and the proposal will result in a nuisance and disruption to local residents and nearby wildlife.
- The location of the quarry is questionably close to a number of private and commercial properties which will affect business in relation to same.
- The quarry is located on a busy main road linking Galway City and the Connemara region. Machinery and trucks will undoubtedly damage the surface of the road in question.

7.1.2. *Submission from the Applicant*

A letter was received from the applicant dated 8th March, 2016. This letter was in response to a letter issued previously by the Board which queried the inclusion of an element in the application providing for an additional increase of 2,000 cubic metres per annum for the importation of clean excavated rock and soil for temporary storage and processing on site and the for onward transfer and reuse of this material in construction projects. The Board indicated that Section 37L provides solely for the application for the further development of a 'quarry as a quarry'.

In response to this query the applicant argues that the definition of a quarry is not restricted to the excavation works only which are the primary activity on site. The definition does acknowledge that there are other activities ancillary to the primary excavation works. The importation of material is intended to support the existing building by prolonging the life of the quarry resource and it is suggested that this is not specifically precluded from the definition set out in the legislation.

However, should the Board be inclined towards granting permission, appropriate conditions could limit this element of the application to ensure it falls within the definition set out in Section 37L of the Act.

7.1.3. Submission from Galway County Council

The report from Galway County Council makes reference to the planning history and notes that there is no enforcement history on site. Reference is also made to the development plan provisions which acknowledge the importance of quarries for the economic development of the county. Specific policies and objectives are set out in the Plan are referred to in the submission. The report goes on to set out details of the proposed development and notes that the quarry is located in a coastal rural area. In terms of visual designation, the site is designated as Class 2 – ‘moderate sensitivity’.

A Stage 1 Appropriate Assessment Screening concludes that the proposed works will not impact on European sites. After reviewing the Environmental Impact Statement and the Appropriate Assessment Stage 1 Screening it is considered that further development consent should be granted for the proposal.

The Planning Authority sets out a list of seven conditions which relate to:

- The provision of adequate sightlines.
- The applicant to make a once-off contribution of €10,000 to defray the cost of maintenance of the local road affected by the haulage of material to and from the quarry.
- The provision of a wheelwash facility.
- The provision and maintenance of appropriate road signage.
- The incorporation of best practice in respect of refuelling machinery on site.

- The removal of recyclable or waste material off-site to licensed or permitted facilities.
- A restoration proposal for the lands should be agreed with the Planning Authority.

7.1.4. Further Submission on behalf of the Applicant dated 12th April, 2016.

This submission specifically relates to Galway County Council's request for the inclusion of a condition requiring a once-off contribution of €10,000 to be made for road maintenance purposes. It is the applicant's opinion that this development contribution is excessive as the quarry in question is a small scale operation and it is not viable for the application to make a once-off contribution so a scheduled of payment should be proposed where instalments are paid over a number of years on a reduced contribution.

7.1.5. Further Submission on behalf of the Applicant dated 12th May, 2016.

This submission specifically relates to the observation submitted by Mr. Michael Walsh objecting to the proposed development. Enclosed as part of the submission is correspondence from a Michael Walsh of the same address who states that he did not make a submission to the Board in relation to the development. In this regard it is requested that the Board consider their powers under Section 138(1) to dismiss the said submission.

However, if the Board comes to the conclusion that the submission is valid the following response is made to the objections raised.

- The mitigating measures set out in the EIS aim to minimise and eliminate and eliminate any environmental impact in this regard it cannot be considered that the proposal represents a "serious environmental hazard".
- Section 8 of the EIS also assesses the proposed development in terms of the impact on the landscape. This assessment concluded that the likely sources of visual impact are below ground level and therefore it is not anticipated that the quarry will have a detrimental impact on the landscape or visual environment.
- With regard to the potential impact on flora and fauna, Section 9 of the EIS addresses the impact of the quarry on terrestrial ecology. Mitigation measures

have been imposed to minimise the potential impacts. It is also noted that an Appropriate Assessment Screening Report was carried out and it concluded that there would be no impact on any European sites. The potential adverse impact on aquatic ecology is discussed in Section 10 of the EIS. Mitigation measures have been proposed to protect receiving watercourses in the vicinity of the development.

- Section 6 of the EIS assesses the potential impact of the quarry on air quality and climate. While quarrying activities will give rise to dust from vehicular movements and blasting activity, standard mitigation measures are proposed to maintain air quality and the quarry is deemed to have an imperceptible to slight negative impact on air quality particularly as the nearest residents are located between 700 metres and 1.5 kilometres from the quarry.
- Section 7 of the EIS relates to noise. It is stated that the only increase in noise levels will be as a result of a slight increase in traffic noise along the R336. The EIS assessed the disturbance effects on fauna in the vicinity as a result of noise and concluded that there would be no residual impacts.
- The potential impact from vibration as a result of quarrying is assessed in Section 7 of the EIS. All vibration levels arising from the development will be well within the limit values of the Department of the Environment Guidelines.
- Finally, the impact of traffic is fully assessed in Section 4 of the EIS. The peak average annual daily traffic arising from the development will be eight trips which will account for 0.2% of the total traffic along the R336. Traffic generated by the development will be negligible in the context of overall traffic levels on the R336.

Attached to the submission is a letter from Mr. Michael Walsh who resides at Baile na hAbhann, Inverin in the vicinity of the subject site. The letter seeks to clarify that neither Michael Walsh or his son (also called Michael Walsh) lodged any objection to the development in question. The letter further states that the author has no objection to the proposed quarry application.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2015 – 2021. The Plan notes that County Galway has extensive deposits of stones and mineral material which is a fundamental resource for the building industry. It is recognised that the winning and processing of these materials are key factors in the economic life of the county and that the Planning Authority will face a challenge in facilitating the gainful exploitation of the materials with minimum impact on the environment and least disturbances to residences.
- 8.2. Section 6.2 of the Development Plan specifically relates to mineral extraction in quarries. It states that the Council will facilitate harnessing the potential of the area's natural resources while ensuring that the environment and rural and residential amenities are appropriately protected. The Council would take full account of the DECLG Guidelines in respect of quarrying and ancillary activities.
- 8.3. Policy EQ1 relates to environmental management practice and states that the Council will have regard to environmental management practice as set out in the EPA Guidelines for the Extractive Industry.
- 8.4. Policy EQ2 seeks to ensure that adequate supplies of aggregate resources to meet future growth needs within the county. The Council will also facilitate the exploitation of such resources where there is a proven need and a market opportunity for such minerals and aggregates and ensure that this exploitation of resources does not adversely affect the environment or adjoining existing land uses.
- 8.5. The specific objectives are as follows:
- Objective EQ1 – protection of natural assets, protect areas of geomorphological interest, groundwater and important aquifers, important archaeological features and natural heritage areas from inappropriate development.
- Objective EQ2 – the council shall require the following in relation to the management of authorised aggregate extraction.
- (a) All quarries should comply with the requirements of the EU Habitats Directive, the Planning and Development Acts and the Guidance contained in the DoEHLG Guidelines and DM Standard 37 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 all quarries (where applicable). Such proposals should also investigate the nature and extent of soil and groundwater contamination and the risk associated with site development works together with appropriate mitigation.
- (c) Have regard to the landscape character assessment of the county and its recommendations including the provision of special recognition of Esker areas as referenced in Galway County Council's "Galway's Living Landscapes – Part 1 Eskers".
- (d) Ensure that any quarrying activity has minimal adverse impact on the road network.
- (e) Ensure that the extraction of minerals or aggregates does not adversely impact on residential or environmental amenity.
- (f) Protect all known unworked deposits from development that might limit their scope for extraction.

Objective EQ3 – *sustainable reuse of 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 lands subject to normal planning and environmental considerations.

Objective EQ4 – *compliance with Article 6(3) of the European Habitats Directive* ensure that all projects associated with mineral extractive industry carry out screening for appropriate assessment in accordance with Article 6(3) of the Habitats Directive where required.

DM Standard 37 states the following in relation to the extractive industry:

8.5.1. *Development Management Standard 37 - Extractive Development*

The extraction of sand, gravel, stone etc. is fundamental to the continuing economic and physical development of the county. It is desirable that such materials will be sourced close to the location of a new development to minimise the need for long haul routes and potential interference with traffic flows and amenity. The following details shall be considered central to the determination of any application for planning permission for the extractive industry.

8.5.2. *Guidelines*

Compliance with section 261 of the Planning and Development Act, the DOEHLG Quarry and Ancillary Facility Guidelines 2004 and the EPA Guidelines for Environmental Management of the Extractive Industry 2006. Where extractive developments may impact on archaeological or architectural heritage, regard should be had to the DOEHLG Architectural Conservation Guidelines and the Archaeological Code of Practice (2002) in its assessment of planning applications. Reference should be made to the geological heritage guidelines for the extractive industry 2008.

8.5.3. *Landownership*

Details should be submitted showing the proposed site in relation to all lands in the vicinity in which the applicant has an interest.

8.5.4. *Deposits*

Details to be submitted to include the depths of topsoil, subsoil and overburden and material at various points on the site. An indication of the type of minerals which it is intended to extract, a statement as to whether the parent rock from which the mineral is extracted is suitable for other uses, and the estimated total quantity of rock and material which can be extracted commercially on site.

8.5.5. *Methods*

The methods of excavation and machinery to be used on site should be submitted. Details to be submitted to include all proposed site development works, including the proposed method of working, any existing or proposed areas of excavation, stages of work proposed, location of any settlement ponds, waste material and/or stock piling of materials, methods for the removal and storing topsoil, subsoil and overburden etc.

8.5.6. *Production*

Details should be submitted to include the proposed production process to be employed, all requirements for water, electricity and/or other impacts to the production process and any proposals for chemical or other treatments.

8.5.7. *Mitigation Measures*

Details should be submitted to include the assessment of potential impacts on water resources, residential and visual amenity (including noise, dust and vibration impacts) biodiversity and any other relevant considerations together with appropriate proposals for mitigation.

8.5.8. *Access*

Vehicle routes from the site to major traffic routes and the impact on the adjoining road networks. Details should be included on the mode, number and weight of trucks or other vehicles being used to transport materials and any truck sheeting or washing proposals.

8.5.9. *Rehabilitation*

Details should be submitted should include reported plans and sections detailing the anticipated finished landform and surface/landscape treatments, both of each phase and whole excavation, quality and condition of topsoil and overburden, rehabilitation works proposed, the type and location of any vegetation proposed, the proposed method of funding and delivery of restoration reinstatement works etc.

8.5.10. *EIS*

Any environmental impact study required by statute should be submitted. An EIS should ensure that all impacts in relation to heritage, environment biodiversity, groundwater protection etc. are clearly addressed and appropriate mitigation measures are included.

8.5.11. *Proximity*

Details to be submitted should include the location of all existing developments in the vicinity of the site that may be affected by the site development works, extractive operations and/or traffic movements generated.

8.5.12. *Landscape and Screening*

Details should be submitted to include an indication of existing trees or other screening to be retained or removed or any proposed screening, grassing or planting of trees or shrubs and proposals for their maintenance.

8.5.13. *Heritage and Biodiversity*

Details would include any recommendations for the site to be considered as part of the geological heritage of the county and any proposed measures with regard to the protection and promotion of environment and biodiversity including any proposals for rehabilitation.

9.0 **Assessment**

9.1. I have read the entire contents of the file and visited the site in question and I consider the following issues are pertinent in dealing with the current application before the Board.

- Preliminary Matters
- Principle of Development
- Impact on Scenic Amenity
- Impact on Flora, Fauna and Aquatic Life
- Air Pollution
- Noise and Vibration
- Traffic

The final sections of this report will relate to a separate assessment in the EIS submitted with the application and an appropriate assessment in respect of the proposed application.

9.2. Preliminary Matters

- 9.2.1. Two preliminary matters should be assessed from the outset. These relate to: (a) the previous applications for substitute consent and (b) the validity of the observation submitted.
- 9.2.2. In respect of the first issue the Board will note that I was the reporting inspector in relation to both applications for substitute consent (SU0091 and SU0092). On foot of my assessment in relation to both reports I recommended that the Board should grant substitute consent for both applications. Having regard to my conclusion in respect of the previous applications for substitute consent I do not propose to revisit the substitute consent element of the application for the purposes of this assessment.
- 9.2.3. With regard to the nature of the observation submitted, the applicant in his response to the observation has included a letter from a person named Michael Walsh stating that an observation objecting to the proposed development was not submitted in his name. In my view it is possible that there could be a number of persons called Michael Walsh residing in Baile na hAbhann and the wider area and for this reason and based on the precautionary principle, I would consider it appropriate that the Board would not dismiss the observation in question. It would be appropriate in my view that the Board address the concerns raised in this observation and I propose to do this in my assessment below.

9.3. Principle of Development

- 9.3.1. As a preliminary matter it is considered appropriate that the Board should address the principle of development in the context of the general objectives and policies set out in the Galway County Development Plan specifically as they relate to extraction industry. Firstly, I note that the Planning Authority has not raised any objection to the application currently before the Board and in fact are supportive of a grant of permission in this instance. The development plan sets out detailed prescriptive

requirements under Development Management Standard 37 – Extractive Development. It appears having regard to the contents contained in the EIS (see Assessment further below) that the proposed development has endeavoured to comply with the various requirements set out in the Guidelines referred to in DM Standard 37. The application likewise provides details in relation to landownership and the method of extraction and the machinery to be used in undertaking the abstraction. Detailed information is provided in relation to the historic production and proposed volumes of granite to be extracted from the quarry site as are details of the proposed mitigation measures to be employed to reduce the environmental impact. Details of access arrangements and proposal for restoration or reinstatement are set out in the EIS as are details of landscaping and screening. Both the EIS and the Appropriate Assessment Screening documentation pay appropriate attention to issues regarding heritage and biodiversity. I am satisfied therefore that the proposed development complies with the requirements set out in the development plan in respect of the extractive industry and generally accords with the overarching policies and objectives set out in the Plan which seek to, where appropriate and subject to satisfying qualitative and environmental requirements, support and encourage the development of quarries in order to benefit the economic development of the county. I further note that the development plan does not incorporate any policies which would prohibit or discourage quarrying activities in specific areas of the county. The proposed development does not contravene any policy statements set out in the development plan and the proposal appears to support many of the wider goals set out in the plan in relation to the extractive industry.

9.4. Impact on Scenic Amenity

- 9.4.1. In terms of significant environmental impact, it could in my opinion be reasonably argued that the visual impact arising from the two quarries to date and the initial quarry to the north is perhaps the greatest single environmental effect arising from the works undertaken. This is due to the cumulative effect arising from the three areas excavated side by side. The total area which is being disturbed due to quarrying activity amounts to c.6 hectares and the current application proposes to extend the quarrying activity by the excavation area by a further 2.24 hectares. The majority of this excavation area is to the rear of the site 200 to 300 metres from the

public roadway. The area is open and exposed with little screening available. In terms of landscape designation, the subject site is located in Area 2 – moderate sensitivity (where Class 1 is the least sensitive and Class 5 is the most sensitive). It can reasonably be argued on the basis of the rating set out in the development plan that the lands in question are some of the more visually robust lands in terms of accommodating development.

- 9.4.2. Furthermore, in the context of the nature of the receiving environment, it is considered that the works undertaken to date cannot be described as having a detrimental or profound impact on the landscape, mainly due to the fact that all excavation has taken place at or below ground level which makes the visual impact less discernible. Furthermore, it should be borne in mind that quarrying activities have been taking place on site, according to the information contained in the EIS, since 1948 and as such there has been an element of quarrying activity on the site prior to the commencement of the Planning Acts. In addition, the surrounding landscape can generally be described as being exposed and quite barren with a proliferation of exposed rock outcrops throughout the area. This is indicated in the site photos attached and the photographs contained in the EIS. Having regard to the existing environment, views of the quarry particularly over the long and middle distance would not in my opinion be particularly incongruous in the context of the surrounding landscape. I refer to the photographs attached to my report would in my opinion, support this view. The proposed site restoration plan will involve the backfilling and progressive restoration of the quarry will my view, significantly reduce the visual impact on works carried out to date. Thus having regard to the nature of the receiving environment and the fact that the existing excavation has taken place at or below ground level, it is considered that the visual impact arising from the existing works and the proposed works to be undertaken as part of the current application would not be detrimental to the landscape and character of the area.

9.5. Impact on Flora, Fauna and Aquatic Life

- 9.5.1. The observation expresses concern that the proposal could adversely impact on the flora and fauna and aquatic life. The EIS addresses this issue in Section 9 of the document. While the observation submitted does not specifically identify which species of flora and fauna may be at risk the EIS, I note that heath and blanket bog

habitats will be removed as a result of the proposed extension of excavations. There are also potential indirect effects in terms of habitat fragmentation, alterations in surface water flow and fauna displacement through additional noise, vibration and dust. The EIS notes that the area of bog on which the site is located is not the best example of blanket bog and it is argued that for this reason it has not been designated as a Natura 2000 site. Furthermore, given the abundance of similar type habitats in the wider area, it is reasonable to assume that any removal of such bog is not deemed to be significant. I note that while the impact of peatland, which has already been removed and is proposed to be removed as a result of the quarry extension, can be described as a significant and permanent impact. I note that the bog in question was not deemed to be of sufficient quality to warrant its inclusion as a Natura 2000 site. The loss of bog should also be assessed in the context of surrounding bog in the area. It is estimated that c.5 hectares of wet heath and blanket bog has been removed or will be removed as a result of the existing and proposed development. The adjacent Connemara Bog SAC is in excess of 49,000 hectares. Thus the loss of bog within the quarry is negligible and in no way threatens the viability or fragments the mosaic of bog in the wider area. I therefore consider that it can be reasonably argued that the loss of wet heath and bog habitat in this instance does not result in a significant environmental impact.

- 9.5.2. In terms of effects on fauna, the EIS acknowledges that there will be temporary disturbance of fauna associated with the site and its immediate environs particularly during blasting and excavation events. The existing quarry on site comprises of open and exposed bog and therefore accommodates limited fauna. While the proposal is likely to result in the temporary disturbance of fauna, I note that there is ample similar habitat in the immediate vicinity and in this regard any removal of soil or overburden associated with the excavation will have a negligible impact on the fauna on site. Finally, I note that the EIS sets out a suite of mitigation measures aimed to minimising the impact and these include future restoration plan (see Appendix B of the EIS) which will seek to return the site into its predevelopment state thus any impact on flora and fauna in the long term in my view would be negligible.
- 9.5.3. With regard to the impact on aquatic ecology and the water environment, it is clear from the information contained in the EIS together with my site inspection, that the bedrock has not been excavated below the water table and that future excavations

are unlikely to breach the water table. Groundwater level surveys indicate that in the event of excavation reaching the maximum depth of 13 metres AOD, this depth is still some 2 to 3 metres above the water table. Furthermore, the impermeable nature and high density and massive structure of the igneous rock provides an effective barrier between the quarry floor and the underlying aquifer. In addition, the fact that the quarry does not operate a proprietary wastewater treatment system and the fact that no fuels, oils or diesel are stored on site would further lead to the conclusion that the existing and proposed operations on site will not adversely affect groundwater in the area.

- 9.5.4. In terms of surface water there are a number of unnamed streams in the vicinity of the excavated area which drain southwards and westwards into Loch na nOileán. The most obvious hydrological connection between the quarry floor and the nearby lake is through the artificially created channel which links the excavated area to the unmanned stream which flows southwards into the lake. This is the main conduit to which water flows out of the quarry. It is clear from the photographs attached to this report carried out as part of my site inspection that sediment dams have been constructed across the channel and appear to be effected in reducing sediment loads within the water in the channel.
- 9.5.5. Furthermore, under the proposed operations, a sump will be created in the quarry floor which will prevent increased surface run-off and will allow the settlement of suspended solids prior to any discharge into the adjacent lake. The main threat to aquatic ecology arising from the proposed development relates to an influx of suspended solids. The creation of settlement or retention ponds, together with the settlement dams already in place, will ensure that appropriate settlement takes place prior to any water discharge from the subject site. I also note that Table 10.7 of the EIS sets out surveys of surface water quality for the adjoining water body. The lake was tested for a number of parameters including BOD suspended solids, total organic nitrogen (TON) and ammonia, traces of the above pollutants were found to be significantly below requisite standards set out various pieces of relevant water quality legislation. I am satisfied therefore that the existing operations on site and the proposed operations on site do not represent a significant threat to aquatic ecology in the area.

9.6. Air Pollution

9.6.1. Concerns are expressed that the proposed development will give rise to unacceptable levels of air pollution particularly in the form of dust and particulate matter. The Board will note that the nearest residential dwellinghouse is located c.450 metres to the north of the subject site, while the nearest residential dwellings to the south of the site is located almost 1 kilometre away. It is highly unlikely that either receptor will be adversely affected in material terms as a result of air pollution or dust deposition arising from the existing and proposed works to be undertaken on site. Dust surveys undertaken as part of the EIS indicated that background dust levels within the vicinity of the site are between 200 and 260 mg/m²/day during the worst case drilling activity. While these levels are slightly higher than those found in most rural areas, they are still below the TA Luft standards of 350 mg/m²/day. Having regard to the separation distance between the quarry and the nearest residential dwellings together with the fact that most quarrying activity is to be undertaken below existing ground levels thereby aiding the entrapment of fugitive dust and having regard to the mitigation measures set out in Section 6.5 of the EIS, I do not consider that the proposed development represents an unacceptable impact in terms of air quality.

9.7. Noise Generation

9.7.1. The observation submitted also expresses concerns in relation to noise generation and vibration. Again the EIS in my opinion has carried out a comprehensive and robust assessment of potential noise impacts arising from the existing and proposed operations on site.

9.7.2. It is quite clear from the background noise levels carried out at the nearest noise sensitive receptors namely the nearest houses to the north and south of the site that the quarry had little impact in terms of its contribution to background noise levels. In the case of the nearest noise sensitive receptor, the dwellinghouse approximately 450 metres north of the site, it is stated that the quarry was inaudible except for occasional noise levels where traffic was non-existent on the adjoining regional

route. In the case of the noise sensitive receptors to the south, the quarry was inaudible where bird song and traffic noise were the main contributors to ambient noise levels in the area. It is clear that the quarry operates on an intermittent basis the residual impacts arising from the proposed extension to the quarry are considered to be imperceptible or slight, particularly when noise mitigation measures are employed. These measures include the construction of earth mounds to be erected around the site entrance and around the site boundary to provide acoustic as well as visual screening. Furthermore, crushing and screening activity will take place close to the working face within the quarry floor which will also significantly reduce noise emissions. While there will be a slight increase in traffic to and from the site, again the noise impacts arising from the traffic will be negligible having regard to existing traffic volumes along the regional route.

- 9.7.3. In terms of vibration, the separation distance between the quarry and the nearest sensitive receptors will ensure that no structural damage would occur to any houses or businesses in the wider area. Table 7.6 indicates that levels recorded at three separate blasts between 2007 and 2014 are within acceptable limits as specified in the DoEHLG Guidelines for Quarrying Activities and therefore are unlikely to give rise to any significant environmental impact in terms of vibration on the receiving environment. The EIS notes that on the two most recent occasions in 2014 and 2015 the vibration levels were too low to trigger a sensitive vibration monitor, indicating extremely low vibration levels. This is attributed to improved blasting technology.
- 9.7.4. It is expected that peak demand for blasting may result in blasting occurrences of once a month. In practice however it is likely to be significantly more infrequent. Based on the information contained in the EIS, I am satisfied that the proposed development will not have a significant adverse impact on the amenity of the area.

9.8. **Traffic**

- 9.8.1. Concerns are expressed that the proposed development would undoubtedly damage the surface of the road and present an on-going traffic hazard in what is already a treacherous section of the local road network. I have inspected the site in question and I consider sightlines to be more than adequate in both directions at the proposed quarry entrance. The quarry is located along a straight section of a relatively well surfaced regional road. The Traffic and Transportation Section of the EIS clearly

indicates that the traffic generated by the proposed development will reach a peak average annual daily traffic level of approximately 11 trips in and out of the site. This is negligible in the context of existing traffic volumes along this regional road. I am therefore satisfied that the proposed development will be acceptable in terms of traffic safety and convenience.

9.9. Other issues

9.9.1. A further issue raised in relation to traffic and transport is the financial contribution levy suggested by Galway County Council in his report requiring a levy of €10,000 towards road improvements and maintenance as a result of general wear and tear arising from traffic associated with the quarry. The Development Contribution Scheme adopted by Galway County Council notes that special contributions for waste/landfill quarries and gravel pits will be based on the following criteria. These include, inter alia,

1. The scale of the development proposed including in the case of quarries and gravel pits the volume of material that is proposed to be excavated from the site.
2. The condition of the road serving the development.
3. The length of the road or roads from the development to the nearest Class 1 road which is in good condition.
4. The cost of bringing the road or roads up to a standard necessary to facilitate the development and not cause adverse impact on other road users.
5. The cost of traffic control measures.

9.9.2. In the case of the current development before the Board, I note that the regional road in the vicinity of the site is in generally good condition as the photographs attached to my report indicate. Furthermore, I note that the quarry directly fronts onto the regional route and therefore there is no cost in upgrading roads between the subject quarry and the nearest Class 1 local road.

9.9.3. I further note that the applicant has been conditioned to provide appropriate traffic control measures including signage by way of a separate condition.

9.9.4. I consider what the Planning Authority are requesting in effect in this instance is a special contribution under the provisions of Section 48(2)(c). The Departmental Development Control Management Guidelines make it very clear that in respect of financial contribution conditions under the provisions of Section 48(2)(c) state that *“a condition requiring a special contribution must be amenable to the implementation under the terms of Section 48(12) of the Planning Act; therefore, it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation including how it is apportioned to the particular development”*. The Planning Authority in this instance has not furnished the Board any information in respect of these matters and therefore I not consider it appropriate that such a financial contribution be attached to any decision issued by the Board in this instance.

9.9.5. Another matter raised in the processing of the current application before the Board relates to whether or not the importation of 2,000 tonnes of clean stone and soil is amenable under the provisions of Section 37L of the Planning and Development Act. It is clear that Section 37L provides solely for applications for the “further development of a quarry as a quarry”.

9.9.6. A quarry is defined under the Planning and Development Act as *“an excavation or system of excavations made for the purpose of or in connection with the getting of minerals (whether in their natural state or in solution or in suspension) or products of miners being neither a mine or merely a well or borehole or a well and borehole combined and shall be deemed to include:*

- (i) Any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of materials or for the purposes of a process ancillary to the getting of minerals including the breaking crushing, grinding, screening, washing or dressing of such minerals but subject hereto does not include any place at which any manufacturing process is carried out.*
- (ii) Any place occupied by the owner of the quarry and used for the depositing of refuse from it but any place so used in connection with two or more quarries and occupied by the owner of one of them, or owners of any two more in*

common, shall be deemed to form part of such one of those quarries as the minister may direct.

- (iii) Any power or siding (not being part of a railway) serving a quarry but if serving two or more quarries shall be deemed to form part of such one of them as the Minister may direct.*
- (iv) A conveyor or aerial ropeway providing for the removal of a quarry or minerals or refuse.*

9.9.7. I would understand from the above definition that the storage, breaking, crushing, grinding and screening etc. of any minerals relate to the minerals that have been excavated from the quarry in question. As such the importation of materials specifically for the processing of aggregate would not fall under the definition of a quarry as set out in Section 37L of the legislation. If the Board agree with this opinion it would in my view be appropriate to exclude by way of condition the importation of materials for processing in any grant of permission issued by the Board under the provisions of Section 37L. The importation of such materials for processing can be the subject of a separate application under the normal planning application process.

10.0 Environment Impact Assessment

I am of the opinion that the EIS is comprehensive and complies with the statutory requirements set out in Article 94 and Schedule 6 of the Planning and Development Regulations 2001 as amended. I am also satisfied that the documents submitted is generally in accordance with the requirements set out in the EPA Guidelines as they relate to environmental impact assessment. The EIS in my opinion has identified, described and assessed the key likely significant environmental impacts arising from the proposed development on the receiving environment. I have in the assessment above identified, described and assessed the key likely significant effects particularly in relation to noise and visual impact, traffic and aquatic and terrestrial ecology. Where appropriate I do not intend to repeat the comments made for the purposes of the current assessment. I will however assess the EIS submitted with the application in more detail under the subheadings below.

Traffic and Transportation

The traffic and transportation network surrounding the subject site as well as traffic volumes in the vicinity are described in the EIS. Existing traffic volumes are also described. The key environmental impact identified relates to increases in future traffic volumes arising from the proposed development. The increase in two-way daily traffic arising from the increase in production amounts to 11 additional two-way HGV movements per day. Having regard to the existing annual average daily traffic on the R336 which amounts to approximately 4,500 vehicles, the additional traffic generated by the quarry would be negligible and cannot be considered significant. It is reasonably concluded in my opinion therefore that in terms of traffic, there are no residual impacts.

Socio Economic Impacts

Section 5 of the EIS relates to socio-economic/human beings/material assets. The existing environment in terms of community and land use are described in detail. Details in relation to tourism in the area is also set out. Details of material assets and utilities including road networks, mineral resources and utilities infrastructure in the surrounding area are also described. The proposed development is assessed within the context of the receiving environment and the EIS reasonably concludes in my opinion, that the proposed development will have little or no impact on existing land uses having regard to the presence of an existing quarry on site. Furthermore, the existing quarry or proposed extension will not adversely impact on utilities in the area and will have little or no impact on tourism as the proposal will not devalue the scenic quality of the area.

In terms of positive impacts, it is stated that the provision of employment (albeit modest) and the supply of stone and aggregate will support economic and social development in the area. It is concluded reasonably in my view that the perspective development is not expected to have any significant negative impacts on the local human environment or material assets of the area.

Air Quality and Climate

Section 6 of the EIS relates to air quality and climate. The EIS carried out a desktop assessment in relation air quality standards and noted that the subject site is located in Zone D. The EIS notes that pollutant levels within these zones are significantly

below the thresholds set out in the Air Quality Regulations (SI 180 of 2011). The main potential adverse impacts identified resulting from the proposed development include increased levels of dust deposition and to a lesser extent, increased levels of air pollution arising from traffic and the operation of plant and machinery on site. The EIS correctly concludes in my opinion having regard to the scale of the development and the fact that the quarry is currently operational on site that it is not considered that any significant negative impact on air quality or climate will result as a result of emissions from the site.

In terms of dust the EIS correctly concludes in my opinion that having regard to the modest levels of operation on site, together with the location of the nearest sensitive receptors and the implementation of appropriate mitigation measures set out in Section 6.5 of the document, that dust emissions will not have any significant negative effect on the air quality or climate of the local area. Hence it is concluded that there will be no significant residual impacts on air quality or climate as a result of the development.

Noise

Section 7 of the EIS relates to noise. A baseline noise survey was undertaken and background noise levels were dominated by local road traffic. The background noise levels are indicated in Table 7.4 of the EIS. The potential adverse impacts which could arise in terms of noise are attributed to drilling and blasting operations, processing of materials and the use of additional plant and machinery on site. However, due to the separation distance between the quarry and the nearest noise sensitive receptor it is concluded that residual impacts will be imperceptible and the quarry should only be audible during periods of quiet road traffic noise. Again a series of mitigation measures are set out in order to minimise any potential noise impact.

Similar conclusions are reached in respect of vibration. The main impacts identified in terms of vibration are increases in peak particle velocity and air over pressure arising from blasting. Based on existing surveys carried out with respect to blasting on site, it is noted that vibration levels in two out of three instances vibration levels were too low to trigger a sensitive vibration monitor which indicates extremely low vibration levels. The impact on vibration on the receiving environment will be

negligible according to the information contained in the EIS and this is a reasonable conclusion in my opinion.

Landscape and Visual Assessment

Chapter 8 of the EIS relates to the landscape and visual assessment. The existing receiving environment is described and assessed and the potential impacts are identified as adverse impact on landscape character due to the extension of the quarry. The impact is assessed from a number of vantage points in the wider area and it is reasonably concluded that the quarry does not have detrimental impact on the landscape although it is acknowledged that the landscape character will be slightly changed on a very localised level. It is concluded reasonably in my view that the broader landscape character area and visual context surrounding the site has the capacity to absorb the quarry particularly as most works will be undertaken at a lower level than existing ground levels.

Ecology

In terms of terrestrial ecology, the EIS details the baseline environment. Information was obtained through an ecological field survey and habitat mapping and classification. Reference is also made to the NPWS Rare and Protected Species Records. The habitats within the existing and proposed quarry are identified and described in detail in the EIS. The identified impacts include the removal of habitat from the quarry extension and indirect and on-going effects on adjacent terrestrial habitats. The effects on fauna are also identified and described as a potential impact on designated Natura 2000 sites in the area. The residual impacts relate to the direct removal of semi-natural habitats under the footprint of the proposed extraction area. However, the successful implementation of the restoration plan and mitigation measures will significantly reduce any potential adverse impact namely the permanent removal of blanket bog, wet heath and dry heath. Potential indirect impacts such as disturbance to fauna due to dust deposition, noise and vibration impacts can be mitigated through accepted best practice measures and operational controls. The potential impacts in my view therefore have been identified and described and assessed and the residual impacts are deemed to be acceptable.

In terms of impact on aquatic ecology and surface water the EIS carried out water chemical and biological sampling at three locations in the watercourses adjacent to

the proposed development. The water quality results are set out in Table 10.7. It indicates that the surface water quality in the vicinity of the site is in accordance with requisite environmental quality standards. A micro-invertebrate biodiversity survey was also undertaken. The potential future impacts which could arise from the proposed development include pollution of watercourse through effluent run-off, the introduction of invasive species and increased levels of suspended solids in surface water run-off. A number of mitigation measures are set out in order to ensure that water quality is protected. The cumulative impacts arising from the unworked quarry to the north is also assessed in the EIS. It is stated that with the employment of mitigation measures which are set out in Section 10.5 and 10.7 of the EIS it is reasonable to conclude that the residual impacts would be negligible. Again, I consider that the EIS has correctly identified, described and assessed the potential adverse impacts which could arise from the proposed development and with the employment of appropriate mitigation measures I consider the conclusion that the residual impacts would be negligible to be reasonable in this instance.

Soils Geology and Hydrogeology

In terms of soils, geology and hydrogeology the EIS again adequately describes the existing environment. The baseline surveys included a number of site investigation surveys. The potential future impacts in terms of soils and geology include the removal of these natural resources as part of the quarry operations. In terms of impact in hydrogeology, the potential impacts are described with regard to groundwater recharge and groundwater quality. It is noted however that the site overlays a poor aquifer that is not a source for drinking water in the area. Mitigation measures are proposed to be employed to ensure that impacts are kept to a minimum. This includes a suitable site restoration plan for the quarry and various mitigation measures to ensure that groundwater is not polluted by the proposal. The EIS has identified, described and assessed the potential significant impacts which could arise as a result of the proposed development and I agree with the conclusions that with the incorporation of appropriate mitigation measures the impacts would in my view be negligible.

Hydrology

The EIS also includes a section on hydrology which mainly assesses the potential adverse impacts which could arise as a result of flooding. It notes that there have been no flooding events in the immediate vicinity of the site with the nearest flood area located to the north along the R336. In terms of surface water run-off, the EIS notes that it is possible that increased sediment will be discharged into adjacent watercourses from the proposed quarrying activities. However, proper management of the sump area to allow appropriate retention times and the maintenance of existing check dams will mitigate against sediment build-up in the local watercourses. Thus the residual impacts are deemed to be negligible.

Archaeology and Cultural Heritage

Section 13 of the EIS relates to archaeology, architectural and cultural heritage. A detailed desktop study and field investigations were undertaken as part of the EIS. In terms of archaeology on one recorded archaeological site is located within 1 kilometre of the EIS study area, a post medieval watchtower. The level of disturbance which has already taken place within the site would likely mean that any archaeological deposits that were located within this area have since been removed. The EIS also evaluates the architectural heritage of the area. There are no structures of any architectural heritage within the vicinity of the site. The EIS has carried out a robust and comprehensive assessment and has identified and described and evaluated the potential impact arising from the quarry extension on the archaeological and cultural heritage of the area and has reasonably concluded in my opinion that no residual impacts are anticipated.

Conclusions on EIA

In conclusion therefore having regard to the contents of the EIS, I am satisfied that there is sufficient information in respect of the application to carry out a full environmental impact assessment and I would also agree with the conclusions set out in the EIS that the proposed development would not have a significant impact on the receiving environment either directly or indirectly as a result of the proposed excavation to be undertaken as part of the quarrying activities. I am also satisfied that the EIS has adequately assessed where appropriate the cumulative impacts arising from the proposed development namely in relation to the unworked quarry

operation to the north. I am also satisfied that the incorporation of mitigation measures as set out in the EIS will ensure that any adverse impact on the environment will be minimised and will not be of a significant nature.

11.0 **Appropriate Assessment**

The potential impact of the existing development on European sites in the vicinity was the subject of an assessment under both quarry reviews attached (QV07.QV0009 and QV0064). In the case of both reviews it is clear that the Board in setting aside the decision of the Planning Authority under the provisions of Section 261A(2)(a)(ii) did not consider that the proposed development would impact on the Conservation Objectives associated with any European site in the vicinity. The most obvious European site which could be affected by the proposed development is the Connemara Bog Complex SAC (Site Code: 002034) and SPA (Site Code: 004181). The quarry lies adjacent to the western boundary of both the SAC and SPA and is separated from the boundary of the site by the R336. In the current application the applicant has submitted an Appropriate Assessment Screening. This specifically assesses the potential impact on Natura 2000 sites arising from the perspective development. The assessment also includes the Kilkerrin Bay and Islands SAC (Site Code: 0021111) and the Inismore Island SAC (Site Code: 000213). It is concluded however that the latter two Natura 2000 sites do not support sufficient connectivity with the proposed development and as such will not be impacted upon. The screening exercise goes on to set out the qualifying interests associated with each of the Natura 2000 sites and outlines the main threats and impacts which could arise from the proposed development. The screening exercise reasonably concludes in my opinion that the proposed works to be undertaken at the subject site will not in any way impact on the integrity of the adjacent Natura 2000 sites. The proposed quarry is not connected to or located within the SAC in question and as such any works to be undertaken at the subject site will not result in the removal or fragmentation of any habitats contained in the Connemara Bog SAC. Furthermore, there is no hydrological connection between the subject site and the SAC as all waters from the subject site flow westwards into Lough na hOileánn which adjoins the site and is not part of the designated SAC.

In terms of groundwater the proposed development will not result in a breaching of the groundwater table and therefore will have no direct impact on groundwater reserves in the area. Furthermore, the nature of the underlying aquifer is characterised by a poor aquifer with low transmissivity and permeability as a result of the massive and dense underlying granite bedrock. It is clear therefore that the quarry does not support any connectivity either directly or indirectly to European sites in the vicinity particularly the Connemara Bog Complex SAC. I would therefore concur with the conclusions set out in the Appropriate Assessment Screening Report that no significant impacts are anticipated to occur to a European site network as a result of the proposed expansion of the quarry in question. Therefore it is reasonable to conclude that on the basis of the information contained on file, which I consider adequate in order to issue a screening determination, the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on either the Connemara Bog Complex SAC (Site Code: 002034) or the Connemara Bog Complex SPA (Site Code: 004181) or any other European site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment and a submission of an NIS is not therefore required.

12.0 Conclusions and Recommendations

12.1. Arising from my assessment above therefore, I consider that the Board should consider granting planning permission for the proposed quarry extension as the proposed extension in my view accords with the general policies and provisions contained in the Galway County Development Plan as they relate to the extractive industry, will not have a significant adverse impact on the environment and will not impact on the integrity of European sites in the vicinity having particular regard to the conservation objectives associated with these sites. I recommend that the Board grant planning permission for the proposal based on the reasons and considerations set out below.

13.0 Reasons and Considerations

The Board had regard, inter alia, to the following:

- (a) The provision of the Planning and Development Act, as amended, and in particular Section 37L.
- (b) The quarry and ancillary activities, Guidelines for Planning Authorities issued by the Department of 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 for further development.
- (e) The Appropriate Assessment Screening Report submitted with the application for further development.
- (f) The report and opinion of the Planning Authority under Section 37L(12)(a).
- (g) The submission and observation made in accordance with the Regulations under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations, 2015.
- (h) The pattern of development in the area.
- (i) The nature and scale of development on the subject site and the scale of the proposed extension.
- (j) The conclusions and recommendations of the Inspector under Reg. Ref. SU0091 and Reg. Ref. SU0092 both of which related to applications for substitute consent on the subject site.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning applications submitted to An Bord Pleanála on 21st day of January, 2016 including the mitigation

measures described in the environmental impact statement, 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 the commencement of development and the development shall be carried out and completed in accordance with agreed particulars.

Reason: In the interest of clarity.

2. This permission relates to the proposed deepening of existing levels within the quarried area outlined in red on the subject drawings together with the lateral expansion of the quarry to the north-east, west and along the southern boundary. This permission does not authorise the additional increase of 2,000 cubic metres per annum for the importation of clean excavated rock and soil for temporary storage and processing on-site and for onward transfer and reuse in construction projects. Should the applicant consider it appropriate, this aspect of the proposed application shall be the subject of a separate planning application.

Reason: In the interest of clarity and to ensure that the proposed development fully accords with the provisions set out in Section 37L of the Planning and Development Act, 2000 as amended.

3. This grant of planning permission shall be for a period of 20 years from the date of this order. The site restoration works described in the environmental impact statement shall be completed within two years of the cessation of quarrying on the site.

Reason: To enable the effects of the development to be reassessed in light of the operation of the permission and to further develop the quarry and the circumstances then obtaining.

4. Excavation across the entire site shall be limited to a maximum depth of 13 metres above Ordnance Datum with the addition of a small sump area which shall be excavated to a maximum depth of 11.5 metres above Ordnance Datum in order to alleviate water levels where necessary. The sump area shall not extend beyond a surface area of 250 square metres in size. Details of the location of the sump area shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect groundwater resources in the area.

5. Within three months of the date of this order, details of the surface water management system for the entire site shall be submitted to, and agreed in writing with the planning authority. This shall include the following:

- (i) A detailed layout plan for the surface water features on site.
- (ii) Details of the capacity of the sump area on site.
- (iii) Calculations on the predicted surface water flow into the sump area.
- (vi) Predicted retention time of the proposed sump area.

Reason: To ensure protection of groundwater quality and to provide for the satisfactory disposal of surface water.

6. A detailed restoration scheme for the site as indicated on the environmental impact statement submitted with the application shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and timing of the restoration plan.

- Prior to the commencement of restoration works, a further survey of the site by an ecologist shall take place to establish species of ecological

value including nesting birds and flora which may have recently moved onto the site. The restoration plan shall have regard to the results of this survey.

- Details relating to the finished gradient of the cliff faces, the type of restoration to be carried out and the measures to ensure safety during site restoration shall be provided.
- Details of landscaping including planting and mounding to be carried out.
- A timescale for implementation and proposals for aftercare programme of five years shall be submitted to the planning authority for written agreement.

Reason: In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects and enhances ecology.

7. The applicant shall provide a minimum of 120 metres of a clear site triangle set back 2.4 metres from the road edge at the entrance of the quarry access onto the R336 Regional Road.

Reason: In the interest of traffic safety.

8. The applicant shall provide and operate a wheelwash facility at the entrance to ensure that no material is deposited on the public road by heavy vehicles exiting the quarry.

Reason: In the interest of visual amenity.

9. The applicant shall agree to provide and maintain appropriate road signage along the approach road to highlight the quarry entrance. The location and

details of this signage shall be agreed in writing with the planning authority within three months of this order.

Reason: In the interest of traffic safety.

10. Recyclable or waste material shall be removed off-site to licensed or permitted facilities.

Reason: In the interest of orderly development and environmental protection.

11. 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 with, the planning authority prior to the commencement of development. This should 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) Details of safety measures around the perimeter of the quarry face to include warning signs and stock proof fencing.
- (e) Management of all landscaping.
- (f) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: To safeguard local community.

12. 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% of the volume of the tanks within the bund.

Reason: In order to protect groundwater and surface water.

13. The quarry and all activities occurring therein shall only operate between the hours of 0800 hours to 1900 hours Monday to Friday and between 0800 hours and 1400 hours on Saturday. No activity shall take place outside these hours or on Sundays or Public Holidays. No rock breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

14. (a) Blasting operations shall take place only between the hours of 1000 hours and 1700 hours Monday to Friday and shall not take place at all on Saturdays, Sundays and Public Holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing the planning authority.
- (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for the minimum period of 1 minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings within 500 metres of the site.

Reason: In the interest of public safety and residential amenity.

15. During the operational phased of the proposed development, a noise level from within the boundaries of the site measured at the nearest noise sensitive locations in the vicinity shall not exceed:

- (a) An L_{RT} value of 55 dB(A) between 0800 hours and 1900 hours. The T value shall be 1 hour.
- (b) An $L_{aeq T}$ value of 45 dB(A) at any other time. The T value shall be 5 mins.

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

16. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second when measured at any mutually orthogonal directions at any sensitive location. The peak particle velocity relates to the low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. Blasting shall not give rise to air over pressure values at sensitive locations which are in excess of 125 dB(Len) max peak with a 95% confidence limit. No individual air over pressure value shall exceed the limit value by more than 5dB(Lin).
- (b) A monitoring programme which shall include reviews to be undertaken at annual intervals shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to and agreed in writing with the planning authority within three months of this order. This programme shall be undertaken by a suitably qualified person agreed in writing the planning authority. The results of the review 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 protect the residential amenity of property in the vicinity.

17. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day average over a continuous period of 30 days (Bergerhoff Guage). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority within three months of this order. Details to be submitted shall include monitoring locations, a recommencement date and the frequency of monitoring results and the details of all dust suppression measures.

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

18. 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. 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. 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 the Board to determine the proper application of the terms of the Scheme.

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.

19. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other such security as may be acceptable for 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 security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be referred to the Board for determination.

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

Paul Caprani
Senior Planning Inspector

26th October, 2016.