



An
Bord
Pleanála

Inspector's Report QD07.QD0024

Development	Further development of an existing Quarry.
Location	Lettershea, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	----
Applicant	Martin Mannion.
Type of Application	Permission pursuant to S.37L of the Planning and Development Act 2000 as amended.
Planning Authority Decision	----
Observer	
Date of Site Inspection	21 st November, 2016.
Inspector	Gillian Kane

1.0 Introduction and Background

- 1.1. QD07.QD0024 relates to an application for further development of a quarry at Lettershea, in south-west County Galway. This application under section 37L of the Planning and Development Acts 2000-2015, seeks permission for the further development of a quarry that was registered under section 261 of the Acts (QC07.QC2199 refers) as a pre 63 quarry. An application for substitute consent (SU0069 refers) was submitted to the Board on foot of a s261A(2)(a)(ii) determination by the Board that that development carried on this site out after 26 February 1997 which would have required an appropriate assessment.
- 1.2. The current application seeks to extend the quarrying works within the quarry site. Under the original substitute consent application consent was sought for the retrospective excavation of 1.9 hectares. Under the current application it is proposed to extend the level of the quarry to a depth of 36.4mOD, by drilling and blasting, processing using mobile crushing and screening for a period of 25 no. years.

2.0 Site Location and Description

- 2.1. The quarry, as described in previous An Bord Pleanála reports, is located on the northern side of the N59 national secondary route in west Galway approximately 9 kilometres east of Clifden and 13 kilometres east of Recess. The size of the quarry is stated in the Planning Authority's report as being 1.9 hectares in size and information derived from a quarry registration material indicates that the overall holding is 22.678 hectares. Access from the site is onto the N59. The quarry was active at the time of site inspection, with some excavation and processing occurring in the north-east corner. The quarry is worked in a north and northeast direction away from the N59. Two separate benches have been excavated. The lower bench 2 was excavated to a depth of 38.5mOD in the early life of the quarry (referred to as the Pre 1963 area on drawing no. PP-110-00). This bench is not part of the s37L application area

and is now used for storage of plant only. A fenced enclosure contained a number of vehicles and plant on the date of the site inspection.

- 2.2. The upper Bench 1, with a stated site area of 1.9ha has been extracted to a depth of 47.6m OD in the north-eastern corner, rising slightly to a depth of 48mOD and 49.3m along the western boundary. Ground levels in the wider area rise from 50mOD to the west, to a high of 75/80mOD to the east. Stockpiles of graded aggregate are located throughout the site. The quarry face along the north-eastern boundary of the excavated area is approximately 5-8 metres in height.
- 2.3. On the date of my site visit some works were ongoing on the N59 to the south of the quarry site.

3.0 Existing Operations on Site

- 3.1. The NIS submitted to the Board on the 21st January 2016 states that the proposed extension refers only to the vertical movement of the quarry to remove aggregate from the already disturbed area in a series of benches down to a level of 36.4mOD. The NIS states that the quarry operation was and is orientated around the production of gneiss aggregates, for the purposes of construction where such aggregates are required serving an area within approximately a 35km radius. No washed stone is produced. The quarry operating times are 08:00 to 18:00 Monday to Friday, 09:00 to 12:00 Saturday with the quarry closed on Sundays. There is no activity within the quarry outside of the hours of operation with no lights, generators, or pumps operating. The number of employees within the quarry is one fulltime and one part-time which is down from a maximum of 3 full time in 2006. The quarry has not nor is it operating below the water table and therefore no dewatering is required or carried out i.e. no direct discharges to surface water. Surface water from the North of the Quarry is diverted away from the quarry area by means of surface water interceptor drains. The floor of the quarry falls towards the face and consequently no precipitation based surface water has or is egressing from the quarry floor. There has never been nor is there any hydrocarbon storage tanks located within the quarry nor or any mineral oils stored within the quarry area. The delivery trucks traditionally refuelled in the

nearby village of Clifden and no maintenance of heavy machinery occurs or has occurred within the quarry area. A dry canteen is in the form of a portacabin is located on site with toilet block located beside it. There is no on site waste water treatment system associated with the toilet block. The effluent is discharged to a sealed concrete holding tank that is emptied periodically by a licensed contractor. Waste metal and tyres are periodically collected for recycling with the general refuse bin in the portacabin collected. No soil or sub soil is imported into the quarry for the purposes of restoration or the creation of berms with only the overburden that is stripped in preparation for blasting used for this purpose.

4.0 **Planning History**

- 4.1. **PL07.QC2199:** Under s261 of the Planning and Development Acts 2000-2015 Galway County Council registered the subject quarry subject to 14 conditions (Planning Authority reg. ref. Q31). Condition no. 1 restricted the size of the quarry to an area not exceeding 5 hectares, not extending above the 120 metre contour line. This condition was subject to an appeal to the Board who upheld the condition and retained the condition in its decision unaltered.
- 4.2. **PL07.QV0050** (Planning Authority reg. ref. QSP31): Under s261A(2)(a)(ii) of the Planning and Development Acts 2000-2015, the Board determined that development was carried on the site out after 26 February 1997 which would have required an appropriate assessment. The Board directed that an application for substitute consent with a remedial NIS be made to the Board within 12 weeks of the date of the decision (29th May 2013).
- 4.3. **PL07.SH0027:** The Board granted an extension of time to apply for substitute consent.
- 4.4. **PL07.SU0069:** An application for substitute consent for the subject quarry is currently before the Board.
- 4.5. **PL07.HA0079:** An application by Galway County Council was submitted for approval under section 51 of the Roads Act, 1993, as amended, for the construction of a replacement section of the N59 National Secondary Road between Clifden and Maam Cross. The Board refused to approve the proposed road development on the following grounds: "The route of the

proposed road development directly impacts on four European Sites, namely, the Twelve Bens/Garraun Complex SAC (site code 002031); the Maumturk Mountains SAC (site code 002008); the Connemara Bog Complex SAC (site code 002034); and the Connemara Bog Complex SPA (site code 004181). The qualifying interests for the referenced SAC indicate habitats and species for which the sites have been selected, including, and in particular, Blanket bog (Active), an Annex I Priority habitat, and Northern Atlantic wet heath with *Erica tetralix*, an Annex I habitat. It is an objective to maintain or restore the favourable conservation status of habitats and species of community interest. Information presented within the Natura impact statement and subsequent submissions to the Board (both in writing and at the oral hearing), indicate the presence of Annex I habitat 'Northern Atlantic Wet heath with *Erica tetralix*' [4010] and, possibly, Annex I Priority habitat 'Blanket bog (active)' [7130], within lands which are to be included in the proposed road development and which lie within European Sites. It is considered that, in the absence of clear information in relation to the habitats which are within and adjacent to the proposed road development, it is not possible to conclude that the proposed road development would not result in the loss of such habitats, for which it is a stated conservation objective to maintain or restore the favourable conservation status. It is not, therefore, possible to conclude that the proposed road development, alone or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives. The proposed road development would, therefore, be contrary to the proper planning and sustainable development of the area".

5.0 Planning Application

5.1.1. A planning application for permission under the provisions of Section 37L was submitted to the Board on 21st January, 2016. This application has been accompanied by the following documentation:

- A completed application form.
- An application fee.
- A newspaper notice and site notice.
- A Natura Impact Statement

- Landscape and Restoration Plan
- Detailed drawings.
- A CD with a copy of the full planning application and associated documentation in digital format.

5.1.2. The cover letter submitted with the application states that the quarry operator is seeking permission to complete extraction of the reserve in this area of the quarry. The quarry will be subject to extraction of rock by blasting means and processing using mobile plant. Estimated output from the quarry will be in the region of 10,000 to 20,000 tonnes with approx. one blast per year which produces in the region of 10,000 tonnes. Current traffic associated with the quarry is 2 loads per day up to a maximum of 4 loads which is not anticipated to result in a significant impact on the road network. The application is accompanied by a Landscape and Restoration Plan. Quarrying is proposed above the water table with no requirement for discharge of water off-site. No fuel or hydrocarbons are stored on site and the low level of activity is expected to result in minimal noise and dust emissions. The cover letter states that conditions attached to the registration of the quarry would be sufficient to control proposed operations. The application is accompanied by a Landscape and Restoration Plan and a Natura Impact Statement.

5.2. **NATURA IMPACT STATEMENT**

5.2.1. The application is accompanied by an NIS which is not dated. Chapter 1 provides an introduction, stating that the subject development specifically refers to the vertical movement of the quarry floor. Chapter 2 refers to the AA process. Chapter 3 provides a description of the project, the proposed development site and the site history.

5.2.2. Chapter 4 of the NIS lists 18 no. sites within 15km of the subject quarry. The list refers to pNHA's, NHA's, SAC's and SPA's. Each site is described, providing the site synopsis and conservation objectives as provided by the NPWS. Section 4.3 screens The Twelve Bens / Garraun Complex pNHA, and SAC, the Connemara Bog Complex SPA and SAC for direct and indirect effects. Each of the 16 no. other sites are screened out due to the separation distances involved. Section 4.3.15 analyses the screening report, stating that

none of the Natura sites would be impacted directly or indirectly by a grant of planning permission for the project based on a lack of direct or indirect links, the separation distances involved and the nature and scale of the operation. The qualifying interests, conservation objectives or notable features would not be compromised or negatively impacted, directly or indirectly by the quarry given the separation distances involved and the limited scale and nature of the project.

5.2.3. The NIS notes that the quarry was originally within the boundaries of the Twelve Bens / Gaurraun Complex SAC but the boundaries were revised in 1997 to exclude the quarry. Appendix A of the NIS includes a letter from the Dept. of Arts, Heritage and the Gaeltacht referring to the removal. The NIS states that this can be inferred to mean that there were no annexed habitat or species within the area removed from designation. No annexed species were noted during the ecological survey with the absence of suitable habitat within the quarry area. In relation to the Twelve Bens / Gaurraun complex SAC, the NIS states that there are “no direct links to the SAC which is up the hydro geological and topographical gradient from the quarry”, “No abstraction of water from ground water or surface” and “No discharges to groundwater or surface water associated with SAC”. (T2 Twelve Bens screening exercise). The NIS states that the SAC is “located up the hydro geological gradient relative to the quarry, which does not require dewatering, therefore the quarry will not impact on surface water or ground water within the SAC either qualitatively or quantitatively. The main threats to this SAC have been identified by NPWS as afforestation and intensification of grazing neither of which are associated with the project under consideration”. The effects of vibration, noise, dust and light are screened out due to the limited scale of operations and the conclusion is that “the presence of the quarry would not compromise or negatively impact the qualifying interests, conservation objectives or the notable features associated with the Twelve Bens / Garraun Complex SAC”.

5.2.4. Chapter 5 of the NIS provides an assessment of likely effects, the consideration of significance and the potential impacts on designated habitats. Potential impacts on avian species are not considered likely as the site

provides no suitable breeding sites. Potential impacts on qualifying mammalian and aquatic species are stated to be not likely as the proposed project does not require dewatering and consequently there are no direct discharges to any lentic or lotic systems that could impact on surface water quality. There will be no impact on qualifying botanical species as none were found during the ecological survey. With regard to potential impacts on Entomological species, section 5.2.1.5 states that the habitat within the project area has low ecological value not supporting any significant entomological populations of any species. It notes that a feature of interest for the Connemara Bog Complex SAC is the Marsh Fritillary but that there has been no recent monitoring of the species in the Natura Sites. The fritillary is dependent on species such as field scabious which were not present within the project area or in the disturbed area surrounding the quarry.

5.2.5. Section 5.3 of the NIS refers to cumulative impacts stating that there is no potential for cumulative negative impacts on the designated sites given the current site use when considered in conjunction with the conservation objectives, management plans, annexed species and annexed habitats considered. The precautionary mitigation measures recommended in the NIS would negate the potential impacts. Section 6 of the NIS lists 16 no. directives / plans that the NIS considered and concludes that a grant of planning permission would not contravene or conflict with the policies or objectives of the plans. Section 7 recommends 12 no. mitigation measures. Section 8 lists a number of objectives that are noted to be pertinent to the NIS but provides no further details or analysis.

5.2.6. The conclusion of the NIS (section 9) is that “Provided the precautionary mitigation measures are implemented the quarry extension will not impact on any annexed species or habitat nor will it contravene the conservation objectives or impact on the features of interest for which the Natura sites were designated. Any future expansion of the Twelve Bens / Garraun SAC would not involve the quarry area being designated as cognisance already being taken of the quarries requirements by virtue of the fact that it and the surrounding area were removed from Natura designation by NPWS in 1997 and the pNHA status appears to have been revoked”.

5.2.7. The Appendices to the NIS contain:

- Letter from the Dept. of Arts Heritage and the Gaeltacht referring to the removal of the quarry lands from an SAC.
- Letter from Environmental Consultant who carried out the NIS
- Maps showing the site, the proximity to Natura 2000 sites, Wind map,
- Desk Top Ecological survey including photographs of the site
- Extracts of site evaluation criteria
- List of Third Schedule Non Native Species
- Report of Clifden Castlebar waterbody

6.0 Submissions

6.1. The following submissions were made in respect of the application:

6.1.1. Submission from Transport Infrastructure Ireland

The authority recommends that any consent granted for development at the subject site should not result in any intensification of use of the existing direct access to the N59, national secondary road, above permitted levels of extraction. The Board is requested to noted that the N59 Maam Cross to Oughterard road improvement scheme (ref PL07.HA0041) incorporates the road frontage of the subject site¹. The Authority recommends consultation with Galway Co. Co. to ensure the proposed development does impact upon the scheme.

¹The case quoted by the TII in their submission of 16th March 2016, namely PL07.HA0041 refers to the Maam Cross to Oughterard road proposal. That road CPO that incorporates part of the subject site is PL07.HA0049 (N59 National Secondary Road between Clifden and Maam Cross). This case is discussed in section 4.5 of this report.

6.1.2. **Submission from Galway County Council**

The report from GCC refers to the planning history and notes that there is no enforcement history on the site. The provisions of the development plan are outlined. The report states that the application will not result in the expansion of the area currently being quarried, but only to the vertical movement down to a level of 36.44mOD. The report states that the proposed development complies with the mineral extraction and quarry policies of the development plan and that following a review of the NIS, development consent should be granted. The Planning Authority recommends 6 no. conditions as follows:

1. Relocation of entrance and roadside boundaries if required by realignment of the N59, providing a minimum of 70m clear sight triangle set back at the entrance to the quarry.
2. Once off payment of €25, 000 towards the upgrade of the local road network based on an annual delivery of 25,000 tons of material.
3. Applicant shall agree, provide and maintain an appropriate road signage scheme to highlight the quarry entrance.
4. Good practice must be observed when refuelling to avoid spills
5. Recyclable or waste material moved off site to licensed or permitted facilities.
6. Restoration proposal to be agreed with the Planning Authority.

6.1.3. **Submission from D. Arts, Heritage & the Gaeltacht**

The Dept. notes that the NIS is largely unchanged in terms of core scientific content from that which was submitted as an rNIS with the substitute consent application. The Board is directed to the Dept.'s submission of 14/09/15 on the substitute consent application as it continues to be of relevance. The Board is requested to note the following:

1. The NIS does not use or reference the site specific conservation objectives for the nearby Connemara Bog Complex SAC (002034), the site most likely to be at risk from the quarry development.
2. There is no revision or updating of the in-combination effects of other plans and projects despite new projects requiring consideration, Section 6 of the NIS does not consider plans and projects such as the N59 Clifden

to Maam Cross proposed road development (HA0049), the permitted Connemara greenway and the N59 Derrylea section of road that has been operational since 2010.

3. The conservation objectives in the NIS are out of date.
4. The mitigation measures are limited in detail and make commitments for matters to be agreed at a later date (section 7.2(4) and (11)). This is no longer acceptable in the context of the assessment and analysis of residual effects and the compete, precise and definitive findings and conclusions of the AA.
5. Section 7.2(3) of the NIS identifies the need for a plan to control and prevent the spread of invasive species but no such plan is available.

6.1.4. Submission from Applicant

In response to the submission of the Council, the applicant states that they agree in principle to the relocation of the entrance but proposals for land take must be agreed. They state that the Councils request for a once-off payment of €25,000 is excessive and risks the viability of this small business. The applicant notes that they are a compliant tax-payer and that the cost of lodging the substitute consent application has cost in the region of €30,000. The applicant offers a payment of €3,500 for the upkeep of roads. The requirement for road signage for the quarry entrance will be discussed with Galway County Council. The quarry has procedures in place for the refuelling and maintenance of plant and machinery and the disposal / recycling of material. A restoration plan was submitted as part of the s37L application.

7.0 Development Plan Provision

- 7.1. 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.

- 7.2. 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.
- 7.3. **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.
- 7.4. **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.
- 7.5. 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.

7.6. **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.

- a) *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.

- b) *Landownership*: Details should be submitted showing the proposed site in relation to all lands in the vicinity in which the applicant has an interest.
- c) *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.
- d) *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.
- e) *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.
- f) *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.
- g) *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.
- h) *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.

- i) *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.
- j) *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.
- k) *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.
- l) *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.

8.0 Assessment

8.1. Principle of Proposed development

8.1.1. The Board will note the report and recommendation with the attached file SU0069. My report on that application concluded that the subject quarry is in close proximity to three Natura 2000 designated sites, namely, the Twelve Bens/Garraun Complex Special Area of Conservation (site code 002031); the Connemara Bog Complex Special Area of Conservation (site code 002034); and the Connemara Bog Complex Special Protection Area (site code 004181). The qualifying interests for the referenced Special Areas of Conservation indicate habitats and species for which the sites have been selected, including, and in particular, Blanket bog (Active), an Annex I Priority habitat, and Northern Atlantic wet heath with *Erica tetralix*, an Annex I habitat.

It is an objective to maintain or restore the favourable conservation status of habitats and species of community interest. On the basis of information presented within the revised remedial Natura impact statement, submissions made to the Board, the likelihood of a significant effect on the water dependant habitats of the SAC's cannot be screened out due to lacunae in the revised remedial NIS. It is therefore not possible to conclude that the subject development would not result in the loss of such habitats, for which it is a stated conservation objective to maintain or restore the favourable conservation status. It is not, therefore, possible to conclude beyond scientific doubt, that the subject quarry, alone or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.1.2. A refusal of substitute consent was recommended for such reasons. I therefore submit that the proposal before the Board for the continuation and expansion of the quarry cannot reasonably be considered at this time where the quarry is unauthorised and where regularisation cannot be facilitated due to the matters identified above.

8.2. **Appropriate Assessment**

8.2.1. Should the Board disagree with the above conclusion or the recommendation under SU07.0069, section 37M(1) of the Planning and Development Acts 2000-2015 provides for the submission of further information including a revised NIS.

8.2.2. The NIS submitted to the Board with the subject application is practically identical to that submitted as a revised remedial NIS under SU07.SU0069. As noted in my assessment of SU0069, the revised rNIS was considered to be seriously deficient in terms of its assessment of ground and surface water. My assessment of the revised rNIS was that lacunae existed in the information presented to the Board such that the Board was unable to carry out an AA of the subject development. On the basis of the information before the Board on the substitute consent application, including the revised remedial Natura

Impact Statement, and in light of the assessment carried out for that application, I was not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European Site No. 002034 Connemara Bog Complex SAC, in view of the site's Conservation Objectives.

8.2.3. I retain the same concern about the subject application. The NIS currently before the Board fails to address the possibility of a hydrogeological source pathway receptor route between the subject site and the Derryehorraun River System via the roadside drain and thus the effects of same (direct or indirect) have not been excluded in light of the best scientific information in the field. Given that the Connemara Bog Complex (002034), contains a water dependant habitat for which it is a stated conservation objective to maintain or restore the favourable conservation status, and noting that the NIS does not use or reference the site specific conservation objectives for the SAC - the site most likely to be at risk from the quarry development, it is not possible to conclude that the subject development would not result in the loss of such habitat.

8.2.4. There is an onus on the applicant to ensure that adequate and relevant information is submitted to enable an appropriate assessment to be carried out. The information submitted must be scientific and must be relevant to the likely effects on the site, in view of the site's Conservation Objectives and conclusions reached by the applicant should be supported by relevant scientific evidence. The effects of the proposed development require complete, precise and definitive findings and conclusions, in the light of the best scientific knowledge in the field. Given the issues raised above and noting the submission of the Dept. of Arts, Heritage and the Gaeltacht, it is considered that insufficient information has been presented to the Board on which to carry out an AA.

8.3. **Conditions**

8.3.1. The Planning Authority has suggested a number of conditions in the event that the Board be minded to grant permission. These refer to the relocation of entrance and roadside boundaries if required by realignment of the N59, a

once off payment of €25,000 towards the upgrade of the local road network based on an annual delivery of 25,000 tons of material, appropriate road signage scheme to highlight the quarry entrance, adherence to good practice when refuelling to avoid spills, recyclable or waste material to be moved off site to licensed or permitted facilities and a Restoration proposal to be agreed with the Planning Authority.

8.3.2. The applicant has requested the Board to examine the once-off payment requested by the Council. It is submitted that the amount is excessive given the economic climate which has resulted in a reduced demand for aggregates. The Council state that the figure is based on an annual delivery of 25,000 tonnes sourced in this quarry. The scale of the subject quarry in the time period involved is relatively minor, with one load per day estimated by the quarry operator. At the time of the report (3rd March 2016) the Council intended the N59 to be upgraded subject to PL07.HA0049. The Board refused to confirm the CPO in May 2016 and as such upgrades to the local road network can be considered even more necessary. It is considered the amount requested by the Council is not excessive. Should the Board decide to grant permission, it is recommended that a financial contribution in this amount be conditioned for.

9.0 Recommendation

I recommend that permission be refused for the following reasons and considerations.

Reasons and Considerations

The proposed development relates to a site the use of which is unauthorised for the carrying out of quarry operations and which has not been regularised in accordance with the provisions of Section 261A of the Planning and Development Act, 2000, as amended. The proposed development would constitute a continuation and expansion of the said unauthorised use. In such circumstances, the Board is precluded from granting permission to further develop this quarry.

Gillian Kane

Gillian Kane
Planning Inspector

08 December 2016