



An
Bord
Pleanála

Inspector's Report SU07.SU0069

Development	Substitute Consent application for Quarry
Location	Lettershea, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	QSP31
Applicant	Martin Mannion.
Type of Application	Substitute Consent.
Date of Site Inspection	21 st November, 2016.
Inspector	Gillian Kane

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1.0 Introduction and Background

1.1. SU07.SU0069 relates to a substitute consent application for development of a quarry at Lettershea, in south-west County Galway. This application under section 177E of the Planning and Development Acts 2000-2015 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. The quarry was registered under section 261 of the Acts (QC07.QC2199 refers) as a pre '63 quarry. An application for further development of the quarry (QD0024 refers) is also before the Board.

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 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 **Planning History**

- 3.1. **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.
- 3.2. **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).
- 3.3. **PL07.SH0027:** The Board granted an extension of time to apply for substitute consent.
- 3.4. **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".

4.0 Operations on Site

- 4.1. The revised remedial (rNIS) submitted to the Board on the 7th August 2015 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 (one operator and two delivery) 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 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.

5.0 Application for Substitute Consent

- 5.1. On foot of the Boards determination 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). The application for substitute consent was submitted by the Applicant on the 25th October 2013. The application included a completed application form, copies of statutory notices, the required fee, a remedial NIS, a Landscape and Restoration plan and associated drawings. The application referred to a quarry of 3.8ha.
- 5.2. On the 5th November 2013 the Board advised the applicant that the quarry was registered under s261 and determined under s261A as being 1.9ha. the applicant was requested to submit revised drawings / application. A revised application with the correct drawings etc. was submitted to the Board on the 20th November 2013.
- 5.3. On the 2nd of June 2015 the Board advised the applicant that they were of the opinion that certain information was necessary for the purposes of enabling it to make a determination. The board stated that the rNIS submitted on the 20th November 2013 did not comply with Part XA, section 177G of the Planning and Development Act 2000, as amended, as it referred to “the continued use

of a Quarry” and the potential for significant effects on Natura 2000 sites arising from, and mitigation measures to address same. As a consequence, the Board was not in a position to carry out an AA of the development over the period concerned. The Applicant was required in accordance with s132 to submit a revised rNIS which should address the following perceived deficiencies:

- i. Historic / current arrangements for the management of surface water runoff from the subject site; items to be addressed include arrangements for the collection of run-off, its treatment (if required), discharge point and receiving waters,
- ii. Historic / current arrangements for the management of ground water within the subject lands including details of any historic or current discharges to groundwater;
- iii. Monitoring data, if any, relating to surface and groundwaters in the vicinity of the site;
- iv. The ecological classification of lands immediately surrounding the site, a revised habitat map and ecological assessment should be prepared based on field data;
- v. Arrangements to address the management of invasive species (e.g. Gunnera, Phormium) on the site;
- vi. The need for proposed mitigation measures to address the remedying or mitigation of significant effects on the environment or on a European site that have occurred, may be occurring or that may occur due to the development already carried out in the period concerned and the time period within which such measures will be implemented should be adequately set out.

5.4. In response to the above, on the 7th August 2015 the applicant submitted a disc with ‘the NIS in pdf format’.

5.5. The revised rNIS of August 2015 describes the development as the operation of a stone quarry prior to 1963. It notes that the site is not located within a Natura 2000 site but it is within a pNHA (Twelve Bens / Garraun Complex pNHA). It notes that in 1997 the 60ha landholding was included in the Twelve Bens / Garraun Complex SAC but that on appeal, the landholding was

removed. The revised rNIS states that this demonstrates that no annexed habitats or species were present on the site at that time. Appendix A of the revised rNIS has a letter from the dept. of Arts, Culture and the Gaeltacht stating that they agree to the removal of that land required for the operation of the quarry from the SAC.

- 5.6. Section 4 of the revised rNIS identifies 18 sites stated to be Natura 2000 sites within 15km of the proposed development but the list actually includes a number of pNHA's and NHA's. The following 18 no. sections of the revised rNIS details the NPWS site synopsis, conservation objectives and features of interest for each site. Section 4.3 outlines the revised rNIS's screening process taking into account the size, scale, nature and location of the development in relation to the location, habitats, conservation objectives and species of the Natura sites. The analysis of the screening report is that none of the Natura sites, pNHA's or NHA's would be impacted either directly or indirectly by the operation of the pre 63 quarry. This conclusion is based on the lack of direct or indirect links with the sites, the separation distances involved and the nature and scale of the operation. The revised rNIS states that the removal of the quarry from the SAC in 1997 infers that no annexed species or habitats were present on site and notes that an ecological survey undertaken by the team also recorded no such incidences. Section 5 states that there shall be no cumulative impacts on "the SAC / SPA" from the development in combination with the impacts from other significant projects. Section 6 of the revised rNIS lists a number of plans / projects that were considered but provides no details of the consideration. Section 7 recommends 12 no. mitigation measures. Section 8 lists a number of objectives that are noted to be pertinent to the revised rNIS but provides no further details or analysis.

6.0 Submissions

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

6.2. Submissions of the NRA / TII

6.2.1. **21 Nov 2013:** The Authority notes that the subject quarry accesses the N59 at a location where a 100kph speed limit applies. Policy in such cases is that the Planning Authority shall seek to avoid the creation of additional access points or the generation of increased traffic from existing accesses (section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities). The Authority notes that no traffic analysis or assessment was submitted with the application. The Authority recommends that if development consent is granted, the development should not result in any intensification of use of the existing direct access above permitted levels of extraction. The Board's attention is drawn to the N59 Clifden to Maam Cross Scheme¹ and the Maam Cross to Oughterard Scheme (PL07.HA0041) and recommends that the Board liaise with the Council to avoid conflict between the subject quarry and the proposed road project.

6.2.2. **07 Sept 2015:** The observations of the TII dated 13th November 2013 remain the position of the Authority. The submission notes that the N59 Maam Cross to Oughterard Schemes PL07.HA0041 has been approved by An Bord Pleanála.

6.3. Submission of HSE

No complaints received regarding the subject quarry. Regarding waste-water treatment impacts, the submission states that on-site treatment of wastewater is preferable as development should permanently cater for wastewater within the boundaries of the site. Regarding noise and vibration, the submission states that communication protocols should be put in place regarding blasting, excessive noise and the local community.

¹ The case quoted by the TII in their submission of 07 Sept. 2015, namely PL07.HA0041 refers to the Maam Cross to Oughterard road proposal. The 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 3.4 of this report.

6.4. **Submission of Galway County Council**

The report from GCC states that there is no planning or enforcement history on the site. The provisions of the development plan are outlined. The report of the Environment Section of the Council is referred to, noting the comment that there has been a significant effect on the immediate environment within the site but that there has not been a significant effect on the wider environment nor is any effect anticipated. The report of the Roads department is quoted: the quarry entrance on the N59 is a cause for concern, signage needs to be improved and a once off contribution should be requested to defray the cost of road repair. Three conditions recommended. 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.

6.5. **Submission of the Dept. of Arts, Heritage and the Gaeltacht**

6.5.1. **14 Sept. 2015:** It is noted that the quarry is located 50m from and in a location with the potential to impact on the Connemara Bog Complex SAC (002034) and SPA (004181), approx. 500m from the Twelve Bens / Garraun Complex SAC (002031). The development has the potential to impact on a number of habitats and species mentioned in the EU Habitats Directive, Birds Directive and protected under the Wildlife Acts. The Dept. is of the view that the proposed development could:

- Damage / destroy the habitats oligotrophic waters containing the very few minerals of sandy plains Littorelletalia uniflorae, Northern Atlantic wet heaths with Erica tetralix, European dry heaths, blanket bogs and depressions on peat substrates of the Rhynchosporion, all of which are habitat types listed on Annex 1 of the EU habitats Directive,
- Damage / destroy water dependent habitats and species associated with Croaghat Lough and the Derryehorraun River system, including Otter which is a species listed in Annex I and II of the Habitats Directive. Any proposal that would be likely to cause impact on the breeding or resting habitat of this species, would directly contravene regulation 51 of the EC (Birds and Natural Habitats) regulations 2011 and be contrary to the ECJ judgement against Ireland C-18/05.
- Could damage / destroy avifauna with the SPA, including Cormorant, Merlin, Golden Plover and the Common Gull.

The potential impacts would be caused by damage / destruction to nearby habitats within the SAC and SPA due to poor site management and quarrying techniques, deterioration in water quality in Croaghat Lough and the Derryehorraun River system resulting from pollution from surface water run-off from the quarry and disturbance to local wildlife, including avifauna and Otter from the development.

In relation to the rNIS submitted with the application, the Dept. raises the following concerns:

- The rNIS states that the quarry does not and will not operate below the water table and therefore no dewatering is required. However, the rNIS recommends that measures be put in place to prevent the egress of storm water contaminated with suspended solids from entering into the road side drain. The roadside drain has a direct hydrological link to the Connemara Bog Complex SAC and SPA including Croaghat Lough. Further details are required regarding the mitigation measure and its effectiveness must be demonstrated in terms of the conservation objectives of the European sites.
- The rNIS does not quantify the level of fugitive dust from blasting and crushing other than to say that the main concerns are experienced within

100m of the dust source. No scientific testing / analysis is used to support this statement. There is no explanation of what the predicted dust levels of 350µm-2 are in terms of the potential impacts on the conservation objective of the European sites.

The final analysis of the rNIS, or of the AA, must be in respect of the implications for the conservation objectives and integrity of the European sites. The Boards AA of the proposed development cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the proposed development on a European Site.

6.6. Submissions from Applicant

- 6.6.1. **15 Nov 2013:** Revised drawings and documents reflecting the application for 1.9ha.
- 6.6.2. Received **17 Dec 2013:** The Board is requested to consider the fact that the pre63 quarry has operated continuously from the same access. There are no proposals to create additional access points or intensify the use of the existing access. The quarry operator is in discussions with Galway CC regarding a CPO of the N59.
- 6.6.3. Received **18 Feb 2014:** The applicant requests 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.
- 6.6.4. Received **07 August 2015:** Disc with NIS in pdf format.
- 6.6.5. **08 Sept 2015:** It is the intention of the Applicant to submit a direct application to the Board, in accordance with s37L(7), for prospective development of the quarry at Lettershea.

6.7. Submission from Geological Survey of Ireland

From the information contained in chapters 3.1.1 and 3.1.2 of the rNIS, it appears that the quarry has not had and doesn't have any impact on ground or surface water. As a quarry with no washing of crushed material on site, operating above the water table, with no dewatering, no discharge to surface

water and no fuel storage on site, it appears unlikely that the operation would have or has had any impact on ground or surface water.

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 Substitute Consent Application

- 8.1.1. An application for substitute consent may only be brought forward under section 177E of the Planning and Development Act 2000 (as amended) pursuant to a notice under Section 261A of the Act (or other relevant sections of the Act). Section 261A(3) of the Planning and Development Act requires that in order to direct a quarry owner to apply for substitute consent, the local authority must also find that the quarry commenced operation prior to 1st of October 1964 (or that permission was granted in respect of the quarry) and have fulfilled the requirements in relation to registration. In this instance the owner/operator of the quarry sought a review of the planning authority's notice under section 261A(3). In their review of the planning authority's determination, the Board considered evidence in respect of the history of the site and concluded that, the quarry commenced operation prior to the 1st October 1964, that the requirements in relation to registration under section 261 were fulfilled and that AA would have been warranted. The Board therefore confirmed the planning authority's determination and directed the owner/operator to apply for substitute consent with a remedial NIS.
- 8.1.2. The approach taken by the Board and their resultant direction to the owner/operator is consistent with the requirements of both section 261A and 177E of the Planning and Development Act, 2000, as amended and with the government's guidelines in respect of section 261A, and has regard to the planning status of the quarry.

8.2. Principle of Development

- 8.2.1. The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledge that extractive industries make an important contribution to economic development in Ireland but that the operation of the same can give rise to land use and environmental issues which require mitigation and control through the planning system.
- 8.2.2. Policies of the Galway County Development Plan 2009-2015 recognise the contribution that minerals make to the local economy; facilitate the extraction of stone and minerals from authorised sites having regard to the landscape

sensitivity of the site; control all new operations and carefully evaluate all proposals to limit impacts on the amenities. The development plan sets out detailed prescriptive requirements under Development Management Standard 37 – Extractive Development. I am satisfied therefore that subject to further assessment, the proposed development generally 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. 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.

8.3. Conditions

- 8.3.1. Section 177(K)(3) of PDA, 2000 (as amended) provides that a grant of substitute consent may include one or more conditions referred to in S.34(4); a condition or conditions relating to remediation of all or part of the site on which the development is situated; a condition or conditions requiring a financial contribution in accordance with S.48; or a condition or conditions requiring a financial contribution in accordance with S.49.
- 8.3.2. 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.

- 8.3.3. 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 (14th Jan 2014) 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 substitute consent, it is recommended that a financial contribution in this amount be conditioned for.

9.0 Appropriate Assessment

- 9.1.1. As noted in section 5.3 above, the applicant was advised that the NIS submitted to the Board on the 20th November 2013 did not comply with Part XA, section 177g of the Planning and Development Acts 2000-2015 as it referred to “the continued use of a quarry”. The applicant was advised to submit a revised rNIS addressing perceived deficiencies in the information. In summary, the deficiencies related to historic / current arrangements for the management of surface and ground water, monitoring data, if any, relating to surface and groundwaters in the vicinity of the site, the ecological classification of lands immediately surrounding the site, a revised habitat map and ecological assessment, arrangements to address the management of invasive species (e.g. Gunnera, Phormium) on the site and the need for proposed mitigation measures to address the remedying or mitigation of significant effects on the environment or on a European site that have occurred, may be occurring or that may occur.

- 9.1.2. As noted above, the applicant responded to the Board on the 7th of August 2015. A one-line letter states that “a disc with the NIS is pdf format is

enclosed". Neither the cover letter nor the revised rNIS refer to the Boards s132 request. The main difference between the original rNIS and the revised rNIS is that any reference to "the continued operation of the quarry" has been removed in the revised document.

9.1.3. The information contained within both documents is broadly along the same lines, with some minor amendments; e.g. in the revised rNIS section 5.2 refers to impacts on the Natura Site where the original referred to 'potential impacts'.

9.1.4. There are a number of Natura 2000 sites within 15km of the subject quarry. Of particular relevance – due to proximity – are the Twelve Bens / Garraun Complex SAC (002031) and the Connemara Bog Complex SAC (002034) and SPA (014181)

9.2. **Twelve Bens / Garraun Complex SAC (002031)**

9.2.1. The NPWS site synopsis describes the Twelve Bens Complex as an extensive site situated in the north-west of Connemara in Co. Galway and dominated by mountainous terrain. The site is bounded to the south by the Connemara Bog Complex, to the east by the Maumturk Mountains and to the north by Killary Harbour. Included within the site are the Twelve Bens mountain range, the mountains to the north of Kylemore (Doughruagh, Garraun and Benchoona), rivers including the Ballynahinch and Owenglin systems and an area of coastal heath and machair near Glassilaun. The site also includes some extensive tracts of lowland blanket bog which are continuous with the mountains.

9.2.2. On the 15th of August 2016, the NPWS updated their Generic Conservation objectives for the SAC as follows: **Objective:** To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

- 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)
- 3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea
- 4060 Alpine and Boreal heaths
- 7130 Blanket bogs (* if active bog) * denotes a priority habitat

- 7150 Depressions on peat substrates of the Rhynchosporion
- 8110 Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
- 8210 Calcareous rocky slopes with chasmophytic vegetation
- 8220 Siliceous rocky slopes with chasmophytic vegetation
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- 1029 Freshwater Pearl Mussel *Margaritifera margaritifera*
- 1106 Salmon *Salmo salar*
- 1355 Otter *Lutra lutra*
- 1833 Slender Naiad *Najas flexilis*

9.3. Connemara Bog Complex SAC (002034)

9.3.1. The Connemara Bog Complex SAC is described by the NPWS as being a large site encompassing the majority of the south Connemara lowlands in Co. Galway. The site is bounded to the north by the Galway–Clifden road and stretches as far east as the Moycullen–Spiddal road. The site supports a wide range of habitats, including extensive tracts of western blanket bog, which form the core interest, as well as areas of heath, fen, woodlands, lakes, rivers and coastal habitats. The site is underlain predominantly by various Galway granites, with small areas along the northern boundary of Lakes Marble, schist and gneiss. The Roundstone Bog area has a diverse bedrock geology composed mainly of the basic intrusive rock, gabbro. An area of rock, possibly Cambrian in age, called the Delaney Dome Formation occurs in the north-west of this area. Gabbro also occurs in the Kilkieran peninsula and near Cashel. The whole area was glaciated in the last Ice Age which scoured the lowlands of Connemara.

9.3.2. Site specific conservation objectives for the site were updated on the 28th October 2015. A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site. Favourable conservation status of a habitat is achieved when its natural range, and area it covers within that range, are stable or increasing, and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,

and the conservation status of its typical species is favourable. The favourable conservation status of a species is achieved when population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

9.3.3. The qualifying interests for the SAC are:

- Coastal lagoons [1150]
- Reefs [1170]
- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]
- Natural dystrophic lakes and ponds [3160]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- Northern Atlantic wet heaths with *Erica tetralix* [4010]
- European dry heaths [4030]
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- Blanket bogs (* if active bog) [7130]
- Transition mires and quaking bogs [7140]
- Depressions on peat substrates of the *Rhynchosporion* [7150]
- Alkaline fens [7230]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- *Euphydryas aurinia* (Marsh Fritillary) [1065]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Najas flexilis* (Slender Naiad) [1833]

9.4. **Connemara Bog Complex SPA (014181)**

9.4.1. The Connemara Bog Complex SPA is described by the NPWS as a large site encompassing much of the south Connemara lowlands of Co. Galway. The site consists of three separate areas - north of Roundstone, south of Recess and north-west of Spiddal. It is underlain predominantly by a variety of igneous and metamorphic rocks including granite, schist, gneiss and gabbro. The whole area was glaciated during the last Ice Age which scoured the lowlands of Connemara. The SPA is characterized by areas of deep peat surrounded by heath-covered rocky outcrops. The deeper peat areas are often bordered by river systems and the many oligotrophic lakes that occur, resulting in an intricate mosaic of various peatland/wetland habitats and vegetation communities; these include Atlantic blanket bog with hummock/hollow systems, inter-connecting pools, Atlantic blanket bog pools, flushes, transition and quaking mires, as well as freshwater marshes, lakeshore, lake and river systems.

9.4.2. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Cormorant, Merlin, Golden Plover and Common Gull. On the 15th of August 2016, the NPWS updated their Generic Conservation objective for the SAC: "To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

9.5. **Surface Water**

9.5.1. Under PL07.QV0050 the issue of suspended solids damaging the water quality around the subject quarry was noted by the inspector: "*The main potential threat could arise from increased loadings of suspended solids in any surface water discharge from the quarry which could ultimately impact on the quality of freshwater or the oligotrophic and dystrophic status of the lakes in the SAC. I note that there are a number of lakes in the vicinity of the site including three within the SAC all of which are less than a kilometre from the site. There are a number of small streams and drainage ditches in the vicinity of the site including drainage ditches along the N59 which borders both the quarry and the SAC. As the drainage characteristics of the area are quite*

complex, it could not be ruled out in my view that there was no hydrological connection between the quarry site and the lakes and other freshwater streams/rivers in question. I would also highlight the fact that the Atlantic freshwater salmon is particularly sensitive to changes in loadings from suspended solids. Higher loadings of suspended solids in the drainage channels and local streams could potentially affect the habitats of the freshwater salmon or the nutrient sensitive lakes”.

- 9.5.2. Surface water runoff from the site is currently uncontrolled and flows onto the public road without any treatment. There is potential for contaminated runoff to enter and / or to have entered the surface water system abutting the southern boundary of the landholding, which drains into the Derryehorraun River within the Connemara Bog Complex SAC / SPA and to have / had significant effects on the Natura Site.
- 9.5.3. In response to the Boards question about the management of surface both historically and currently, page 13 of the revised rNIS contains two photographs: ‘surface water interceptor drains north of quarry’ and ‘quarry floor sloping towards face with ponded storage’. A single line of additional text is included: “The floor of the quarry falls towards the face and consequently no precipitation based surface water has or is egressing from the quarry floor”. No further explanation, description or analysis of the photographs is included.
- 9.5.4. Table T1 of the revised rNIS lists “potential indirect discharge of suspended solids too [sic] the adjacent dry drain” as an indirect effect on the Twelve Bens / Garraun Complex SAC. Section 4.3.15 states that the site “is located up the hydro geological gradient relative to the quarry, which does not require dewatering, therefore the quarry has not nor would it impact on surface water or ground water within the SAC either qualitatively or quantitatively”. Table T3 lists a ‘Potential for an indirect effect concerning surface water quality and SS’ as an indirect effect on the Connemara Bog Complex SPA / SAC. Section 5.2.1.2 of the revised rNIS states that as no dewatering will be required, “consequently there are no direct discharges to any lentic or lotic systems that could or could have impacted on surface water quality”. In its analysis of the impact of the development on aquatic species, section 5.2.1.3 discusses the water quality of the surrounding water bodies, noting that the absence of

impact on surface water quality can be demonstrated through examination of the available EPA and WFD records. The revised rNIS refers to the proximity of the quarry to the Derryehorraun river system which is described as “good” and “high” status and the Owenglin River which is described as being of “good status”.

- 9.5.5. I note the submission of the Dept. Arts, Heritage and the Gaeltacht that the roadside drain referred to in the revised rNIS has a direct hydrological link to the Connemara Bog Complex SAC and that one of the potential impacts of the subject quarry is the deterioration of water quality in Croaghat Lough and the Derryehorraun River system arising from pollution from surface water run-off from the quarry. The Dept.’s submission refers to the mitigation measure proposed by the applicant which states that measures must be implemented to prevent the entry of storm water polluted by suspended solids from entering the road side drain. The revised rNIS identifies a potential effect but concludes that it is not likely as there are no source-pathway receptor links between the quarry and the designated sites. As noted by the Dept., there is a direct link between the subject site and the adjoining Connemara Bog Complex SAC. This link which has not been identified (only the interceptor drain north of the quarry has been identified and screened out) or assessed against the conservation objectives of the adjoining SAC/ SPA.
- 9.5.6. The issue of the impact of the subject quarry on surface water was brought to the applicant’s attention on a number of occasions, each occasion providing on opportunity to address the matter. The inclusion of one line of text and two photographs without context does not address the deficiency noted by the Board and does not provide the Board with sufficient information on which to carry out an AA. On the issue of surface water, the revised rNIS does not allow the Board to reach complete, precise and definitive findings and thereby undertake an AA.
- 9.5.7. I note that the revised rNIS did not provide details of surface water monitoring as requested by the Board.

9.6. Ground Water

- 9.6.1. Section 1.1 of the revised rNIS states that the geology of the quarry area is described by the GSI as PQGS (Precambrian quartzites, gneisses and schists) with a poor aquifer potential i.e. aquifer is poor and unproductive except for local zones. The revised rNIS states that this is supported by the absence of wells within 2Km of the quarry and the fact that the quarry is not located within an EPA or GSI source protection zone and correlates with NPWS assessment of the geology in the area by describing the bedrock as having low permeability. Appendix F of the revised rNIS contains a copy of the Clifden / Castlebar waterbody report as part of the Western River Basin district RBMP. The status report finding is an overall “good”. The conclusion of the revised rNIS is “Given that the existing quarry is a pre63 continuously operated entity it can be stochastically inferred that the operation of the quarry has not had a deleterious effect on groundwater quality due to its WFD classification”.
- 9.6.2. In screening out the various Natura 2000 sites, the revised rNIS states that “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). As with conclusion regarding surface water, the revised rNIS states that there are no source-pathway receptor links between the quarry and the designated sites. However, as noted in section 9.2.3 above, the revised rNIS identifies a possible indirect impact on ground water from contaminated run off and the Depts. submission states that the roadside drain links directly to the Connemara Bog Complex SAC.
- 9.6.3. The relationship between groundwater and dependant ecosystems such as the Connemara Bog Complex SAC is a particularly complex one. The possibility of a hydrogeological direct source pathway receptor route between the subject site and the Derryehorraun River System via the roadside drain has not been excluded in light of the best scientific information in the field - the threshold for AA screening. Nor have the effects of such a link been assessed or considered. On the issue of ground water, the revised rNIS does not allow

the Board to reach complete, precise and definitive findings and thereby undertake an AA.

9.6.4. I note that the revised rNIS did not provide details of ground water monitoring as requested by the Board.

9.7. Ecological Classification of surrounding lands

9.7.1. The applicant was requested by the Board to address the ecological classification of the lands immediately surrounding the site, to provide a revised habitat map and revised ecological assessment based on field data.

9.7.2. Appendix c of the original and the revised rNIS contain an “Ecological Survey”. The text revised rNIS ecological survey is identical to the original. No change, updates or revisions have been made. The habitat map has been amended in the revised rNIS to include to show the location of two ecological stations to the north-west and 12 no. photos “ecological survey” are included in the revised rNIS. No context for the photos has been provided – key map, label etc.

9.7.3. It appears from my reading of the Ecological Survey, that the survey was carried out on a desk-top basis only. No site or date specific data, recordings, monitoring, survey or other is presented.

9.8. Invasive Species

9.8.1. The applicant was requested to provide details of arrangements to address the management of invasive species (e.g. Gunnera, Phormium) on the site.

9.8.2. Section 5.2.1.6 of the revised rNIS notes that “Giant-rhubarb (Gunnera) is spreading along the roads and ditches within the Twelve Bens / Garraun Complex SAC, however this has not nor is it associated with the quarry under consideration. The quarry between Kylemore Abbey and Letterfrack village has been badly infested from seed inadvertently brought in by trucks from another quarry where there is a Giant-rhubarb infestation”. The same section states that Phormium was not “noted within the quarry area or the disturbed ground area which indicates that historically the quarry has not acted as a source for the proliferation of such species” and that “mitigation measures must include future strict controls of invasive species to ensure that the quarry

is not the source of their spread”. Section 7.2 of the revised rNIS lists recommended mitigation measures, no. 3 of which states:“(3) A management and control of invasive botanical species plan must be implemented on site (i.e. a continuation of the existing system). Invasive species as indicated in section 5.2.1.6 shall be strictly controlled mechanically, manually or through the spot spraying with round up”.

9.8.3. With regard to the management of invasive species the revised rNIS is identical to the original rNIS. No arrangements for the management of the two identified species have been addressed, as requested by the Board on the 2nd of June 2015.

9.9. Cumulative Impact

9.9.1. As noted in above, that section of the N59 from which the subject quarry is accessed was part of a road improvement / CPO scheme by Galway County Council (see section 3.4 above). The re-development of the N59 was to occur in two sections: Oughterard to Maam Cross (PL07.HA0041) which was approved by the Board on the 20th of December 2013 and the western section of the N59 running from Maam Cross to Clifden (PL07.HA0049 refers). The CPO for the western section between Maam Cross and Clifden, which incorporated the road frontage of the subject quarry was not approved by the Board. The reason for refusal referred to the direct impacts on four Natura 200 sites: the Twelve Bens/Garraun Complex Special Area of Conservation (site code 002031); the Maumturk Mountains Special Area of Conservation (site code 002008); the Connemara Bog Complex Special Area of Conservation (site code 002034); and the Connemara Bog Complex Special Protection Area (site code 004181) and 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. The Board concluded that it was “*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*”.

- 9.9.2. Section 5.3.1 of the revised rNIS states that “the limited nature of the quarrying activity, loading only outside of the few days per year that blasting / crushing occurs, dictates that there has not been nor will there be potential cumulative impacts on the SAC / SPA from the development in combination with the impacts from other significant projects”.
- 9.9.3. The revised rNIS notes that Galway County Council intended to CPO “a section at the front of the quarry along the N59 to facilitate road widening. This project will be of short duration with no land take from any Natura site”. The Board is referred to the Inspectors Report, the Oral Hearing Report and the Consultant Ecologists Report and the Board Order which refer to the lack of clarity regarding the extent of land take (if any) of Annex I habitat from the four identified Natura 2000 sites.
- 9.9.4. I note that the revised rNIS states that “The precautionary mitigation measures as recommended in the subsequent sections would negate the potential impacts. To have a cumulative effect the proposed project would have to have a negative impact that could not be catered for in the mitigation measures”. As discussed above, the mitigation measures listed in the revised rNIS are insufficiently detailed and certainly cannot be used as a defence against cumulative effects. The in-combination effects of the proposed development require complete, precise and definitive findings and conclusions, in the light of the best scientific knowledge in the field. Insufficient information has been presented to the Board on which to carry out such an assessment.

10.0 Conclusion

- 10.1.1. As noted above, the Applicant was advised that the remedial NIS submitted to the Board with the application for substitute consent was not sufficient to allow the Board to carry out an AA. The applicant was advised of certain perceived deficiencies and presented with an opportunity to address them. As discussed in the preceding paragraphs, the revised rNIS did not adequately – or at all in relation to the management of invasive species – address the deficiencies to the extent that sufficient information was submitted

to the Board on which it could carry out an AA. The revised rNIS before the Board contains significant lacunae.

10.1.2. 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.

10.1.3. The Dept. of Arts Heritage and the Gaeltacht have stated that they are of the view that the proposed development could damage or destroy the habitats oligotrophic waters containing the very few minerals of sandy plains Littorelletalia uniflorae, Northern Atlantic wet heaths with Erica tetralix, European dry heaths, blanket bogs and depressions on peat substrates of the Rhynchosporion, all of which are habitat types listed on Annex 1 of the EU habitats Directive, could damage or destroy water dependent habitats and species associated with Croaghat Lough and the Derryehorraun River system, including Otter which is a species listed in Annex I and II of the Habitats Directive and / or could damage / destroy avifauna within the SPA, including Cormorant, Merlin, Golden Plover and the Common Gull.

10.1.4. Section 177J of the Planning and Development Act, 2000 as amended, provides that the Board where it forms the opinion that the continuation of all or part of the activity or operations on or at the site of the development the subject of the application, is likely to cause significant adverse effects on the environment or adverse effects on the integrity of a European site to issue a draft direction to the applicant for substitute consent to cease within a specified period, all or part of the activity or operation. Given that lacunae exist within the existing revised rNIS, the Board could not issue a draft direction under s177J that the subject development *is likely* to cause significant adverse effects. The Board may wish to request to the applicant to undertake a more robust remedial NIS which includes complete, precise and definitive findings and conclusions which are capable of removing all scientific doubt.

10.1.5. However, on the basis of the information currently before the Board, including the revised remedial Natura Impact Statement, and in light of the assessment carried out above, I am 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. In such circumstances the Board is precluded from granting permission.

11.0 Reasons

1. In coming to its decision, the Board had regard to the following:
 - Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
 - the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
 - the provisions of the Planning and Development Regulations 2001, as amended,
 - the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004,
 - the remedial Natura Impact Statement submitted with the application for substitute consent as amended consequent to the Section 132 Notice from the Board,
 - the reports and the opinion of the Planning Authority under section 177I of the 2000 Act, as amended,
 - the submissions and observations made in accordance with regulations made under section 177N of the 2000 Act, as amended,
 - the report of the Board's inspector, including in relation to potential significant effects on the environment,
 - the nature of the development the subject of this application for substitute consent,

- the proximity of the site to 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)

Having regard to the nature and extent of the development, the remedial Natura Impact Statement submitted with the application, as amended consequent to the Section 132 notice issued by the Board, the submissions on file and the Inspector's report, the Board completed an Appropriate Assessment of the development. 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.

Gillian Kane

Gillian Kane
Planning Inspector

05 December 2016