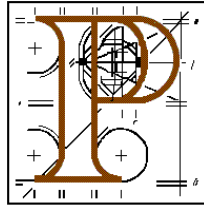


# An Bord Pleanála



## Inspector's Report

**Development:** Granite Quarry at Maumeen, Lettermullan,  
Gorumna Island, Co. Galway.

### Application for Substitute Consent under Section 177E

Planning Authority : Galway County Council

Owner/Operator : Patrick Connolly

### Review under Section 261A

: Yes

### Parties

**Observers** : Áine Ní Chualáin  
: Kate Cloonan  
: Gearóidín Uí Chualáin

**Date of site inspection** : 2<sup>nd</sup> July 2014

Inspector: **Michael Dillon**

## **1.0 PLANNING HISTORY**

### **1.1 Section 261**

The section 261 Quarry Registration documentation refers to a quarry (QY 11) of 3.565ha, at Knockfin townland, Ballynakill, Co. Galway. The quarry was registered by the Council, and 8 no. conditions were attached to its continued operation.

### **1.2 Section 261A**

The determination of Galway County Council, that environmental impact assessment (EIA) or a determination as to whether EIA was required in relation to this quarry, and also that appropriate assessment (AA) was required in relation to a quarry, which had commenced operation prior to 1<sup>st</sup> October 1964, was the subject of a review to the Board. The area of the quarry was stated to be 3.56ha. The Board decided that the decision under section 3(a) of Galway County Council was not the subject of Review – only the determination under section 2(a). The Galway County Council reference was QSP 11, whilst that of the Board was 07.QV0048. By order dated 27<sup>th</sup> June 2013, the Board decided that EIA was not required in relation to this quarry, but that AA was required. An application for substitute consent, accompanied by a remedial Natura Impact Statement (rNIS) was to be submitted to the Board.

### **1.3 Planning Permission**

There are no relevant planning permissions relating to quarrying at this site. There are two enforcement files relating to quarrying at this site – refs. EN07/635 and EN12/028 – referred to in the reports on file from Galway County Council.

### **1.4 Extent of Quarrying**

The extent of this quarry was stated to be 3.56ha in the section 261 registration documentation. The map submitted with the section 261A documentation is not the same as the section 261 map – the boundaries being slightly different, and a small area within the middle of the site being excluded. The area was stated to be the same 3.56ha. The map submitted with the application for substitute consent is different again from those referred to. The red line area of the site is stated to be 1.5ha within a wider blue line ownership map (area unstated) which, whilst similar to previously submitted maps, differs in relation to boundaries. The previously excluded piece of land in the centre of the quarry is now included for the purposes of section 261A.

## **2.0 APPLICATION FOR SUBSTITUTE CONSENT**

An application for substitute consent (following the grant of an extension of time for the making of the application to the Board), was made on 10<sup>th</sup> December 2013, by Paul Neary, agent on behalf of the quarry owner, Patrick Connolly. The application is accompanied by an rNIS. The applicant is stated to be the owner of the site. There is no water supply to the site. There is no waste water treatment on the site. There is no surface water handling on site – all rainwater percolating to ground water.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 This granite quarry, with a stated area of 1.5ha (within a larger land ownership outlined in blue), is located on Gorumna Island in southwest Connemara. The quarry is accessed from a narrow county road which connects with the R374 Lettermore-Lettermullan Regional Route to the south. The junction of these two roads is broad, with good sight visibility in each direction. The quarry access road continues to skirt around the north coast of the island before rejoining the R374 just shy of the bridge over to Lettermore Island. The 80kph speed restriction applies, and there are neither public footpaths nor public lighting in this area. The access road is narrow and twisting, and it is not possible to pass two vehicles along much of its length. The road was quiet on the date of site inspection. The quarry is not particularly visible from the access road, due to the twists and turns on the road and dips and hills in its alignment. The quarry is clearly visible from the R374 when approaching from the direction of Lettermullan.
- 3.2 The vehicular access to the quarry is set back from the edge of the carriageway in order to improve sight-lines which are poor at this location – owing to the entrance being located on the inside of a bend. The entrance is gated. There are warning signs on the access road on the approaches to the quarry. The entrance is flanked by high piles of quarried rock, which partially screen the quarry pit from view from the road. The surface at the entrance is not sealed, and gravel and fines from the quarry is being carried out onto the road. There is no wheelwash within the quarry. The quarry floor slopes gently away from the entrance, so that there will have been no flow of surface water from the quarry onto the access road. A second vehicular access has been opened to the south of the main entrance. Immediately opposite this entrance, some topsoil has been dumped on the other side of the road – where the ground falls away towards the shoreline of Coonawilleen Bay. This second entrance gives access to an unsurfaced track which skirts the southern rim of the quarry pit to give access to the upper levels of the quarry cliff, where a long-arm digger had recently been clearing topsoil/vegetation in advance of expansion of the quarry to the northeast and east. The aforementioned track is also accessible via a steep ramp from the quarry floor.

- 3.3 The quarry is very roughly circular in shape with exposed rock faces on three sides. There is one bench level in place above the quarry floor – each of the two levels being approximately 12m high. There was no evidence of any water ingress to the quarry pit from the quarry faces. Mobile crushing and screening plant is located on the quarry floor. Aggregate is stockpiled on the quarry floor also. On the date of site inspection there was no actual quarrying being carried on – just some welding work on machinery. There are no quarry buildings or fixed plant within the site. A small amount of surface water was ponding on the quarry floor. There are no watercourses either within or immediately abutting the quarry. Power to the site is supplied by a mobile diesel generator. The quarry itself, is surrounded by a timber post and wire fence with warning signs. There is second subsidiary area of quarrying accessed directly from the access road – to the northeast of the existing main entrance. A small amount of rock would appear to have recently been quarried from this area – removed directly to the road. This area is outside of the red line boundary of the application, but within the blue line holding of the applicant. Further to the northeast, again outside the red line boundary but within the wider blue line boundary of the application, there is evidence of an older quarried area (now overgrown) but accessed directly off the road. [Neither aforementioned area would appear to be represented on the contour survey submitted with the application].
- 3.4 The site and the surrounding lands are characterised by exposed rock with sparse vegetation cover. Fields (such as they are) are divided by dry-stone walls. The level of the quarry is roughly 15-20m above the level of the shoreline to the west. The closest house is approximately 110m to the south. Most houses in the area are located along the Regional Route to the south. The access road forms the western and northwestern boundary of the quarry. This road is separated from Coonawilleen Bay by some small rocky fields.
- 3.5 A site notice was erected at the main entrance to the quarry on the date of site inspection by this Inspector.
- 3.6 There are a number of quarry pits on Gorumna and adjacent islands to the west – all of which appear to be of small scale, and which may or may not be currently in use.

#### **4.0 REPORT OF GALWAY COUNTY COUNCIL**

The Report of Galway County Council, received by the Board on 25<sup>th</sup> February 2014, can be summarised in bullet point format as follows-

- The site was inspected on 30<sup>th</sup> January 2014, and the site notice was not in evidence.

- There is no planning enforcement history attaching to this site.
- The County Development Plan 2009-2015 recognises the importance of quarrying to economic development of the county.
- Quarrying has not had a significant impact on Natura sites.
- Control of invasive botanical species is important within the quarry, as outlined in the County Development Plan.
- There is no washing of aggregate on the site.
- The Environment Section of the Council has no objection to the granting of substitute consent.
- Substitute consent could be granted by the Board for this quarry.
- The Council recommends 4 no. conditions be attached to any grant of substitute consent – relating to road signage, refuelling of machinery and plant, recycling of waste materials, and restoration of the quarry upon completion of extraction.

## 5.0 PRESCRIBED BODIES

5.1 The application was referred by the Board to a number of Prescribed Bodies, on 6<sup>th</sup> January 2014, as follows-

- An Taisce.
- Fáilte Ireland.
- The Heritage Council.
- An Chomhairle Ealaíon.
- Inland Fisheries Ireland.
- Department of Communications, Energy and Natural Resources.
- National Roads Authority.
- Health Service Executive.
- Údarás na Gaeltachta.
- Irish Aviation Authority.
- Department of Arts, Heritage and the Gaeltacht.

5.2 Responses were received from the National Roads Authority, An Taisce and the Geological Survey of Ireland (Department of Communications, Energy and Natural Resources).

### 5.2.1 National Roads Authority

The response, received on 20<sup>th</sup> January 2014, indicates that the NRA has no comment to make.

### 5.2.2 An Taisce

The response of An Taisce, received by the Board on 7<sup>th</sup> January 2014, refers to remedial environmental impact assessment. Previous registration of a site under Section 261 must be deemed irrelevant, since this did not establish the then legal basis of a quarry site.

### 5.2.3 Geological Survey of Ireland

The response of the GSI indicates that it has no comment to make. [An annotated aerial photograph accompanying the response seems to refer to a different part of Gorumna Island].

## 6.0 **3<sup>rd</sup> Party Submissions**

There are 3 no. 3<sup>rd</sup> party submissions in relation to this application for substitute consent.

6.1 The submission of McCarthy Keville O' Sullivan Ltd, agent on behalf of Áine Ní Chualáin, received by the Board on 15<sup>th</sup> January 2014, can be summarised in bullet point format as follows-

- The observer's parental home is situated across the Bay from the quarry and she hopes to obtain planning permission to build a house there in the future.
- The applicant's intention at Review stage was to present a far less intensive quarrying operation than has been presented at substitute consent stage.
- The quarry is located on commonage to which the applicant does not have title.
- This is not a pre-1964 quarry. OSI aerial photography from 2000 gives no indication of any quarry in this area. 2005 aerial photography does show a quarry at this site. This quarry should not have been registered under section 261.
- There has been significant development of this quarry beyond the red line boundary shown. The quarry entrance is not within the red line boundary. Overburden has been dumped from this quarry on the opposite side of the access road – beside a second entrance to the quarry.
- Documentation gives no indication of the volume of rock extracted.
- The access road is unsuitable for quarry traffic, being too narrow. The road serves some houses located between the quarry and the Regional Route.
- The quarry entrance is located on the inside of a bend, where sight-distance is restricted.
- No information on the number of HGV movements per day is supplied.
- The quarry regularly operates outside the opening hours indicated in documentation submitted.
- Documentation in relation to blasting is unclear.
- Hours during which rock is crushed are underestimated.
- The quarry is visible from the R374 – contrary to the claim of the applicant. The quarry represents a scar on the landscape.

- There is insufficient information in relation to noise. There is a house within 200m of the quarry.
- There is insufficient information in relation to dust.
- There is insufficient information in relation to restoration of the quarry.
- No information is supplied on how surface water is disposed of from the quarry.
- The applicant incorrectly states that there has been no warning notices or enforcement in relation to this quarry.
- Peat, soil and overburden stripped from this quarry are being disposed of outside the site and could be having a detrimental impact on the nearby SAC.

6.1.1 The observation is accompanied by the following-

- Aerial photograph of quarry showing expansion beyond the red line boundary of the site.
- 2 no. colour photographs showing overburden deposited on the opposite side of the access road.

6.2 The submission of Clodagh Gallagher Solicitors, agent on behalf of Kate Cloonan, received by the Board on 16<sup>th</sup> January 2014, can be summarised in bullet point format as follows-

- The observer resides approximately 250m from this quarry, which has only been operational since c.2003.
- This is not a pre-1964 quarry and should not have been registered as such.
- The quarry opened in 2003 and use has been significantly intensified since then. Even the Board's own Inspector agreed with this assertion – finding no evidence of use prior to 2000.
- This quarry is located on commonage land. The quarry owner has no ownership or right to commonage land from any of the other lands he holds in the area.
- This is a granite quarry.
- No notice of blasting was given to neighbours. Blasting takes place at least four times a year – and not twice as indicated in the rNIS.
- Rock crushing is carried out six days a week and not two hours a day as stated in the rNIS.
- The visual impact of this quarry, which involves the removal of the hill, cannot be remediated.
- HGVs have destroyed local roads.
- Enforcement Notices have been issued against the quarry operator. Numerous complaints have been made to Galway County Council.
- Spoil from this quarry is dumped on the opposite side of the road, creating an eyesore.

- The observer's niece applied for and received planning permission (ref. 08/2414) to build a house opposite this quarry. On appeal to the Board (PL 07.232240) by Padraic Connolly, permission was refused. The quarry owner objected on grounds that a house would impede the future operation of the quarry. [I note that the decision of the Board to refuse permission did not include any reason relating to the proximity to a quarry].
- The size of this quarry is greater than 1ha. The boundary fence has been moved a number of times since quarrying commenced.
- Sight distance at the quarry entrance is restricted – the entrance being located on the inside of a bend.
- The site is less than 100m from Kilkieran Bay and Islands SAC. Dust, noise and debris have impacted negatively on the SAC. Dumping of spoil on the opposite side of the road impacts negatively on the amenity of the nearby SAC.
- The visibility of the quarry is damaging to the scenic amenity of the area and the SAC.
- An EIA should be carried out for this quarry.
- If the Board is minded to grant substitute consent, it should be for a small-scale quarry only (less than 1.5ha). Weekly output should be limited. Limitation should be placed on emissions of noise, on traffic, on blasting, and on hours of operation. The applicant should be levied for damage caused to roads. A bond condition should also be applied for road damage.

#### 6.2.1 The observation is accompanied by the following-

- Copy of Inspector's Report ref. 07.QV0048 (annotated).
- Copy of Land Registry Folios 91312F, 54773F and 40715F.
- Map showing quarry outlined in blue.
- Map showing commonage outlined in yellow and the applicant's holding outlined in green.
- Cop of letter from Brendan Arrigan Geo Surveyors (dated 7<sup>th</sup> January 2014) to Land Registry, with attached map.
- Affidavit of Kate Cloonan (dated 14<sup>th</sup> January 2014).
- Copy of photographs of quarry, taken in 2009 (part of An Bord Pleanála appeal ref. PL 07.232240, for a house).
- Two no. aerial photographs of the area.

#### 6.3 Seo thíos an aighneacht a fuarthas ó Gearóidín Uí Chualáin, Leitir Mealláin, Contae na Gaillimhe-

- Go dtógfaí san áireamh agus go gcuirfí béim ar treoracha i leith oibriú an chairéil a bheith leagtha síos san gcead pleanála i leith aon fhorbairt sa todhchaí.
- Go ndéanfaí monatóireacht rialta ar neart an phléasctha agus na sonraíthe a bheith ar fáil.



- Go dtabharfaí aird ar fhoirgnimh/tithe atá in aice láimhe ionas nach ndéanfaí damáiste do comhdhéanamh ná bunsraith na dtithe.

6.3(i) *The submission of Gearóidín Uí Chualáin, Lettermullan, Co. Galway, received by the Board on 15<sup>th</sup> January 2014, can be summarised in bullet point format as follows-*

- *Guidelines for the future operation of this quarry should be set down in any grant of permission from the Board.*
- *Regular monitoring of blasting at this quarry should be undertaken, and results made available.*
- *No damage to the structure or foundations of buildings/houses in the area should be allowed.*

## **7.0 Response Submissions**

7.1 The Report of Galway County Council was referred to the applicant for comment. There was no response received.

7.2 The Board wrote to the agent for the applicant on 28<sup>th</sup> February 2014, noting the contents of the Report of Galway County Council in relation to the absence of a site notice at this quarry. The Board requested documentary evidence that a site notice was erected.

7.2.1 The response of Paul Neary, agent on behalf of the applicant, received by the Board on 14<sup>th</sup> March 2014, includes a letter from the quarry owner indicating that high winds had dislodged the site notice and that it has been re-erected.

## **8.0 ASSESSMENT – General Comments**

### **8.1 Temporary Cessation if Necessary**

It is open to the Board to consider issuance of a temporary cessation notice under section 177J. Having regard to the information presented in the application and the rNIS, and to what was observed at the time of inspection of the site, it is my opinion that no aspect of the development is clearly giving rise to adverse effects on the integrity of a European Site. I do not, therefore, consider that a temporary cessation notice is warranted in this instance.

### **8.2 Inspection of Site under Section 261A**

The determination/decision of Galway County Council under Section 261A (ref. QSP 11) was the subject of a Review to the Board. The quarry was inspected on 17<sup>th</sup> January 2013, and a copy of the Inspector's Report and photographs are included in quarry review file ref. **07.QV0048**.

Notwithstanding the recommendation of the Planning Inspector that both the decision and determination of Galway County Council was the subject of review, the Board Direction indicated that only the determination under sub-section 2(a) was the subject of review. The Board determined that EIA was not required in relation to this quarry, but that AA was. The decision of Galway County Council under sub-section 3(a) was to stand.

### **8.3 Extent of Site**

This application for substitute consent relates to a site of 1.5ha, within a wider blue line ownership of 3.56ha. This wider blue line site surrounds the red line application area – with a small portion located on the opposite side of the access road.

### **8.4 County Development Plan**

It was accepted by Galway County Council that a pre-1964 quarry operation existed on this site. The current document is the Galway County Development Plan 2009-2015. There are no designated landscapes, protected areas or protected views/prospects within or immediately abutting this site. The Plan recognises the importance of quarrying to the economic development of the county. The Gaeltacht Local Area Plan 2008-2018 indicates that the Landscape Sensitivity for Gorumna Island is 'High' – the second highest category in a sensitivity total of five.

### **8.5 Financial Contributions**

Galway County Council, in its recommendation of conditions to be attached by the Board to any grant of substitute consent, did not make any recommendation in relation to payment of a development contribution. It has been the practice of the Board to attach a condition requiring payment of a development contribution to the local authority. The Development Contribution Scheme for Galway County Council does not include quarries in the list of developments which would require payment of such a contribution (other than for buildings – of which there are none within this quarry), instead referring to the possible need to pay a Special Development Contribution towards roads in the area. In the absence of any request by the Council for such a Special Development Contribution to be attached, it must be concluded that such was not required in this instance.

### **8.6 Reinstatement**

I note that it has been the practice of the Board to attach a condition relating to restoration of quarries in previous decisions to grant substitute consent. It would be appropriate, in this instance, to attach a condition to

any grant of substitute consent, requiring the remediation of this quarry site, as an un-remediated quarry site could result in a significant negative impact on the integrity of a European site.

## **8.7 Site Notice**

An inspection, carried out by Galway County Council on 30<sup>th</sup> January 2014, indicated that there was no site notice erected. The Board wrote to the applicant on 28<sup>th</sup> February in relation to this issue. A response, received on 14<sup>th</sup> March 2014, indicated that the site notice had been re-erected. The site notice was in evidence on the date of site inspection by this Inspector on 2<sup>nd</sup> July 2014.

## **8.8 Nature of Observations**

The major part of all three observations objecting to the granting of substitute consent for this quarry relate to issues which go beyond the possible impact this quarry had on European site(s). At review stage, the Board determined that only AA was required in relation to this quarry site. Therefore, issues raised in relation to ownership of lands, traffic, blasting, pre-1964 status of the quarry, visual impact, and the need for EIA, have not been considered in the assessment of this application for substitute consent, except where the issues may relate to the impact of the quarry on a European site. The substitute consent application process is not a system for revisiting the decision/determination of Galway County Council (and later by the Board under the review process). I, therefore, propose to confine my comments to the possible impact which quarrying at this site may have had on European site(s).

## **9.0 ASSESSMENT – Appropriate Assessment**

9.1 A remedial Natura Impact Statement (rNIS) accompanies this application for substitute consent. Quarrying on this site of 1.5ha was stated to have commenced prior to 1<sup>st</sup> October 1964. The Habitats Directive came into force on 26<sup>th</sup> February 1997. The rNIS refers to continued operation of the quarry and its likely impact on European sites. The rNIS also refers to Natural Heritage Areas (NHAs), for the purposes of completeness of the assessment of this quarry on ecology in the area. The rNIS includes an Ecological Survey at Appendix C. This survey indicates the different habitats within the site boundary. The aquifer beneath the site is poor and unproductive – except for local zones. The granite is impermeable. The vulnerability of the aquifer is extreme, due to rock exposure. The Water Framework Directive describes the ground water body in this area as ‘Good’. The Water Framework Directive bay water quality is ‘High’ and unpolluted. Quarry operating times are 0800-1830 hours Monday-Friday and 0900-1400 hours on Saturday. Employment at the quarry comprises

two full-time and one part-time family member. Blasting occurs only twice a year – producing between 8,000-13,000 tonnes of rock per blast. Crushing takes place on a maximum of two days per week. A rock-breaker is used for two hours on four days per week to remove rock from the quarry face. No soil or spoil is imported to the site. The quarry is not operating below the water table. The quarry floor is sloped back from the quarry entrance, ensuring that there is no egress of water via the quarry entrance. There are no hydrocarbon storage tanks within the quarry. Trucks refuel off-site. On-site plant is refuelled from a bowser – removed from the quarry when not in use. There are no canteen, office or toilet facilities within the quarry.

- 9.2 European sites within a 15km radius of the quarry consist of-
- Kilkieran Bay and Islands SAC (Site code 002111) – located within 100m of the quarry boundary.
  - Slyne Head to Ardmore Point Islands SPA (Site code 004159) – located 6.0km northwest of the quarry.
  - Connemara Bog Complex SAC (Site code 002034) – located 11.0km to north-northwest of the quarry.
  - Inishmore Island SAC (Site code 000213) – located 7.2km to the southwest of the quarry.
- 9.3 Kilkieran Bay and Islands SAC is the European site which was most likely to have been impacted by quarrying, due to its proximity. The other three European sites above can be discounted given the separation distance from the quarry, regard being had to the scale of the quarry itself. Kilkieran Bay and Islands SAC (hereafter referred to as the SAC) comprises a series of interconnected bays and islands subject to strong tidal streams. The area of the SAC extends to 21,313ha. It was identified as a Site of Community Interest in January 2002. A number of streams, lakes and lagoons drain into the network of bays. The bedrock is igneous – comprising granite and felsite rocks which are rich in silica. The rocky shoreline gives way to mud in shallow waters. The surrounding land is covered in blanket bog with a significant amount of rock outcropping. The SAC is 'species rich' with a high number of rare species. It contains a wide mixture of terrestrial and marine habitats, and is used by many species of birds. The conservation interests of the SAC are as follows-
- Mudflats and sandflats not covered by seawater at low tide.
  - Coastal lagoons.
  - Large shallow inlets and bays.
  - Reefs.
  - Atlantic salt meadows (*Glauco-Puccinellietalia maritima*).
  - Mediterranean salt meadows (*Juncetalia maritimi*).
  - Machairs.
  - Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*).

- Otter (*Lutra lutra*).
- Common seal (*Phoca vitulina*).
- Slender naiad (*Najas flexilis*).

- 9.4 The quarry site is separated from the SAC by a county road and a short stretch of coastal land (approximately 40m deep). The land falls away steeply from the road down to the rocky shoreline. None of the list of habitats of conservation interest within the SAC is to be found inside the quarry site boundary. The quarry has not led to any fragmentation of the habitats within the SAC. There is no direct discharge of either treated or untreated water from the quarry to the SAC. The quarry is not dewatered. Obviously rainwater percolating through the quarry floor will ultimately discharge into adjacent Coonawilleen Bay. Noise and dust from the quarry will not have had a significant impact on the SAC. The prevailing winds will blow most fugitive dust inland. Light pollution will not have been significant in the context of the proximity of houses and a public road. Infrequent blasting has been measured – peak particle velocity (ppv) at 7.75mm/second at 15m distance. The NPWS has identified shellfish farming as the principal threat to the SAC; with other threats being over-grazing and use of agricultural fertilisers. The Marine Community Type in the immediate area of the quarry is characterised as ‘Mixed sediment, dominated by Polychaetes community complex’. The quarry is not located within or adjoining an area used by the Common seal for breeding, resting or moulting – the closest being Kiggaul Bay to the south of the bridge linking Gorumna with Lettermullan to the west. A 10m terrestrial buffer zone is suggested for Otter – with the quarry being set back more than this distance from the shoreline. The Slender Naiad plant is associated with lakes – and the species is not identified near the quarry. Deposition of spoil from this quarry on the opposite side of the road has, to date, not had a detrimental impact on the SAC. However, the practice, if continued, could have a detrimental impact on the SAC – particularly following periods of heavy rainfall. A condition should be attached to any grant of substitute consent requiring all soil and topsoil cleared from the quarry site to be retained within the site boundary for future restoration/reinstatement of the quarry.
- 9.5 In order for an impact to be significant, the plan or project should have the potential to affect the conservation objectives of a European site, including its structure and function. Mitigation measures in place include location of rock-crushing and screening on the quarry floor, where quarry faces provide screening for noise and dust. There are no direct discharges to watercourses or to the sea. Management control of invasive species is suggested as a mitigation measure – seeds being possibly brought in on the wheels of HGVs. Stripped overburden is stated to be retained on site for restoration purposes, although this is not borne out by recent site inspection, whereby some at least of the stripped burden is deposited on

the opposite side of the access road – between the road and Coonawilleen Bay (a constituent part of Kilkieran Bay and Islands SAC). Hydrocarbons are not stored on the quarry floor. Machinery maintenance does not take place on the quarry floor.

- 9.6 There are no significant ‘in-combination’ impacts on European sites – regard being had to the scale of the quarry and other projects in the area. There are no other commercial quarries within 5km of this quarry, although there are a number of smaller pits located adjacent to roads in the area. The quarry would not have increased or exacerbated any of the NPWS-identified main threats to the integrity of the SAC.
- 9.7 I would be satisfied that there would have been no likely significant impacts on European sites arising from quarrying at this site in the past.

## **10.0 RECOMMENDATION**

I recommend that the Board grant substitute consent for this quarry for the Reasons and Considerations set out below, and subject to the attached Conditions.

### **REASONS AND CONSIDERATIONS**

- (a) the provisions of the Planning and Development Acts, 2000 to 2011, as amended, and in particular Part XA,
- (b) the ‘Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the Galway County Development Plan 2009-2015,
- (d) the remedial Natura Impact Statement submitted with the application for substitute consent,
- (e) the submissions/observations made in accordance with regulations made under section 177N,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and

- (h) the nature and scale of the development the subject of this application for substitute consent.

## CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 10<sup>th</sup> day of December 2013. This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development on this site.

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

2. A detailed restoration scheme for the site shall be submitted to the planning authority for written agreement within six months of the date of this order, unless before that date, an application for planning permission for continuation of quarrying is submitted. The following shall apply in relation to the design and timing of the restoration plan:-
  - (a) Prior to the commencement of restoration works, a further survey of the site by an ecologist shall take place to establish, in particular, the presence of badgers, nesting birds, bats or other species of ecological value, including flora, which may have recently invaded the site. The restoration plan shall have regard to the results of this survey.
  - (b) Details relating to measures to ensure safety during site restoration shall be provided.
  - (c) A timescale for implementation and proposals for an aftercare programme of five years shall be submitted to the planning authority for written agreement.

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

3. The following shall apply in relation to protection of groundwater and surface water in the area-

