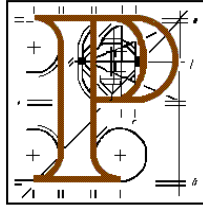


An Bord Pleanála



Inspector's Report

Development: Rock quarry, Laughil Townland, Moycullen, Co. Galway

Planning Authority: Galway County Council

Application Type: Application for Substitute Consent

Date of Inspection: 10th July 2014

Inspector: Deirdre MacGabhann

1 INTRODUCTION

- 1.1 On 3rd August 2012 Galway County Council, issued a notice under section 261A(3)(c) of the Planning and Development Act 2000, as amended, directing the owner/operator of the quarry at Laughil, Moycullen, County Galway, to apply to the Board for substitute consent with a remedial EIS and remedial NIS. The owner/operator of the quarry applied to the Board for a review of the determination and on the 28th August 2013, the Board decided to confirm the determination in respect of EIA but to set aside that in respect of appropriate assessment. The Board directed the owner/operator to apply to the Board for substitute consent.
- 1.2 Following a written request from the applicant, the Board decided to grant an extension for the period of time in which an application for substitute consent could be made, up to 10th March 2014 (SH07.0175).
- 1.3 On the 10th March 2014 James G. Walsh lodged an application for substitute consent with the Board. The application includes a remedial EIS. (In April 2014 the applicant submitted evidence of revised site and newspaper notices and a revised site location map).
- 1.4 This report provides an assessment of the application for substitute consent and sets out a recommendation for the Board in respect of the development.

2 SITE LOCATION AND DESCRIPTION

- 2.1 The quarry site lies c.12km north west of Galway City, in the townland of Laughil, County Galway. The site lies to the east of a third class road running between Spiddle and Moycullen, which joins the N59 in Moycullen c.4.5km to the north east of the site. The main entrance to the quarry is from the Spiddle to Moycullen road. A second access to the site is from the public road to the south of the site.
- 2.2 The site lies in an undulating rural landscape which is characterised open bog, conifer plantations and scattered rural housing. A small number of residential properties lie to the south, south west and south east of the site (see attachments) and Loughwell Farm Park lies to the north west of the site, opposite the main entrance to the quarry. (Loughwell Farm Park provides indoor and outdoor entertainment for families).
- 2.3 An access road from the county road leads to the quarry floor. Limestone rock has been extracted from a single bench with a current exposed face of c.7 metres. Rock is crushed, screened and stockpiled on site. No washing of materials is carried out and I noted no storage of petrochemicals on site. A number of redundant plant and machinery appeared to be stored on site.
- 2.4 The southern part of the site has been filled and is in the process of being restored. Two field drains were apparent within the quarry, one running along the

southern boundary of the site and another along the eastern boundary of the site (see photographs).

2.5 The site is generally not visible from the public road due to embankments and vegetation around the perimeter of the site and on adjoining land. From the north, a small area of the exposed face is visible from the county road (photograph 1).

3 APPLICATION FOR SUBSTITUTE CONSENT

3.1 The application for substitute consent includes a completed application form, copies of statutory notices, a remedial EIS and associated drawings.

Description of Development

3.2 The development as described in the rEIS and associated drawings relates to a granite quarry with a site area of 2.8021ha and an extraction area of 1.92ha (Site Location Map, Drawing 01). The quarry has been in use since the 1940's with extraction increasing in volume since (see Table 2.1, page 11, rEIS). Currently c.1,594.4m³ of stone is extracted per annum and c.55,422m³ has been extracted from the site to date. Peak years for extraction were 2000-2005 with c.8,500m³ stone extracted annually (page 12, rEIS). Since 1995 the quarry has expanded from a worked surface of 0.17h to a current extraction area of 1.92ha within an overall boundary of c.2.8ha which includes restored areas, screening berms and access roads.

3.3. Rock is extracted by blasting with smaller stone crushed and screened. The quarry produces aggregates (three and six inch foundation rock; clause 804 crushed stone; chippings). Over the existing quarried area there has been an average extraction depth of 7m, with the largest face to the west of the site.

3.4 Most extraction is by rock breaker. Blasting has been carried out on site since the 1970's and occurs when a particularly hard or resistant pocket or rock is encountered. Since 2000 there have been 4/5 blasts per annum. Worked materials are stockpiled on site awaiting sale and transport. The quarry's waste management policy is set out in section 2.2.3 of the rEIS and includes standard industry practices.

Remedial EIS

3.5 The rEIS includes a non-technical summary and a main document. The main document is structured into sections describing the development, the legislative and policy context for it and impacts arising under topic headings (summarised in at the end of this report).

3.6 The rEIS concludes that with the mitigation/residual measures in place or proposed the quarry has not had and does not give rise to significant environmental effects (direct, indirect or cumulative).

4 PLANNING HISTORY

Planning Applications/Enforcement Files

4.1 No planning applications in respect of the site have been made or enforcement cases arisen.

Registration of Quarry under Section 261

4.2 On the 5th April 2005 the owner of the quarry applied to register same with Galway County Council. The registration area comprised 11.67ha and the then extraction area 0.93ha. On 25th April 2007 the planning authority registered the quarry (under their ref. QY70) and imposed 15 no. conditions on its operation.

Section 261A Assessment

4.3 On the 3rd August 2013, the planning authority determined, in respect of the quarry at Laughil, that development was carried out after 1st February 1990 that would have required an EIA or a determination in respect of EIA which was not carried out, and development after 26th February 1990, which would have required an appropriate assessment, that was not carried out.

4.4 The reasons given for the determination were that the planning authority considered that the quarry site would be likely to have significant environmental effects and that the quarry is located immediately adjacent to the Moycullen Bog Complex proposed NHA and less than 1km from the Connemara Bogs Complex candidate SAC.

4.5 On the 3rd August 2013, the planning authority also decided that the quarry commenced operation prior to 1st October 1964 and that the requirements in relation to registration under section 261 were fulfilled.

4.6 The owner of the quarry applied to the Board for a review of the planning authority's notice under section 261A. In their decision, the Board confirmed the planning authority's determination in respect of the requirement for EIA and set aside the determination of the planning authority in respect of AA. In making its decision the Board had regard to the nature, scale and intensity of operations at the site, the pattern of development in the area including the proximity of the site to a number of dwelling houses, the location of the quarry relative to European sites and the limited connectivity of the site to the European sites in the vicinity (in terms of drainage discharge).

5 PLANNING POLICY CONTEXT

5.1 The current development plan for the area is the Galway County Development Plan 2009-2015.

5.2 The Development Plan recognises that the winning and processing of the county's extensive stone and mineral deposits are key factors in the economic life of the county. Policies of the Plan seek to:- facilitate the extraction of stone and mineral material from authorised sites having regard to their location in the landscape sensitivity rating; control all new operations and carefully evaluate all proposed developments to ensure that the visual or other environmental impacts of such works will not materially injure the amenities of the area. In applications for extractive developments, the planning authority will have regard to the Quarries and Ancillary Facilities Guidelines (DoEHLG, 2004) and to the plan's Development Management Standard 36.

5.3 The quarry is located within Landscape Character area 12 – 'South foothills of East Connemara Mountains', and within this in an area having a 'Moderate' sensitivity (see attachments).

6 SUBMISSIONS BY PRESCRIBED BODIES

6.1 The application for substitute consent was circulated by the Board to prescribed bodies. The following comments were made:

- An Taisce – Development coming under the EIA should only be permitted and subject to retrospective assessment in exceptional circumstances. The lodgement of the rEIS does not establish the legal basis of the quarry or the entitlement of the quarry operator to obtain a retrospective EIA consent. No consideration should be given to any remedial EIS for a quarry which exceeds EIA thresholds and which does not have a valid planning basis. Previous registration of a site under section 261 must be deemed irrelevant since this did not establish then legal basis of a site (An Taisce v An Bord Pleanála, Mr Justice Charleton).
- HSE – No complaints received in relation to operation of the quarry in the past. Risks of contamination from numerous machines and waste metal stored on the site. No sanitary facilities provided. Distances to nearby property appear to be less than detailed in rEIS. Report on noise and vibration is insufficiently detailed (no mitigation measures in respect of blasting). No noise readings taken when quarry in operation. No water supply on site. How will damping down of roads be achieved? Unclear whether quarry was in operation when dust monitoring carried out. Water appeared to be standing on site, raising the risk of stagnation. Mitigation measures should address this.

- DoEHLG – Attach observations made on the scope of the rEIS (not in a position to review current application with Board’s deadline).

7 PLANNING AUTHORITY’S REPORT

7.1 The planning authority’s report of the 23rd May 2014 confirms that the site notice was in place on the 20th May 2014 and summarises the relevant development plan provisions in respect of the development. The report refers to the following internal reports:

- Environment – No complaints made in respect of quarry. Quarry has had a significant effect within the site (removal of material) but quarrying activities have not had a significant effect on the wider environment including Natura sites in the area. There is no significant effect and no anticipated significant effect of past activities.
- Roads – Sight distance of at least 100m at entrance to site needs to be confirmed by applicant. Traffic from site should be routed via the LP1320 Moycullen-Spiddle Road. Recommend a contribution towards maintenance of local road to offset the heavy traffic generated in the transport of material, wheelwash and signage.

7.2 The report considers that the development complies with the policies and objectives of the County Development Plan and recommends that substitute consent is granted for the development subject to 8 conditions including provision of 100m sightlines, routing of quarry traffic, development contribution in respect of impact of development on local road network (€10,000), roadside signage, good practice when refuelling, removal of waste material off site and restoration of lands.

8 FIRST PARTY REPSONSE

8.1 The applicant makes the following comments:

- The L1320 road is a major road link between Moycullen and the coast and is a major route for commercial traffic. It is unreasonable to impose a penalty on the applicant for using this road.
- Works to improve the sightlines for the access to the L1320 could be carried out on agreement with the planning authority without need for a planning application.

9 ISSUES AND ASSESSMENT

9.1 Having regard to the site inspection carried out, the submissions on file and the policies of the County Development Plan, the issues arising in respect of the application for substitute consent comprise:

- The principle of the application for substitute consent.
- The principle of development.
- Environmental effects arising from the development.

Principle of Substitute Consent Application

9.2 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).

9.3 In this case the planning authority has served a notice on the owner/operator of the quarry under Section 261A. Further in the notice, the planning authority state that they decided that the quarry commenced operation prior to 1st October 1964 and that the requirements in relation to registration of the quarry were fulfilled.

9.4 In the absence of a request for a review under section 261A(6), the Board is precluded from revisiting the determination or decision of the planning authority and I consider that application for substitute consent has been made in accordance with the requirements of section 177E(2) and that there is an appropriate legal basis for the application.

Principle of Development

9.5 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 be mitigation and control through the planning system.

9.6 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 rating of the site; control all new operations and carefully evaluate all proposals to limit impacts on amenities.

9.7 The substitute consent site lies within the South Foothills of East Connemara Mountains, with a sensitivity rating of 'Moderate'. From public roads in the vicinity of the site, the quarry is generally well screened by the topography and landscape features, with the site is only visible from a short stretch of the county road to the north of the site. Within this context, I consider that the development is acceptable within its landscape context and that the principle of development is

acceptable on the site, subject to a satisfactory assessment of broader environmental effects.

Environmental Effects Arising from the Development

- 9.8 The application for substitute consent is accompanied by a remedial EIS. The Statement is consistent with the requirements of section 177F of the Planning and Development Act 2000 i.e. it contains a statement of the significant environmental effects on the environment and it sets out details of remedial measures to be undertaken. The rEIS does not set out the period of time in which the proposed remedial measures will be carried out. However, this matter can be dealt with by condition.
- 9.9 The rEIS is also generally consistent with the requirements of article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS), i.e. it describes the proposed development, sets out mitigation measures to avoid or remedy impacts and includes data to identify and assess the main effects of the development on the environment. The rEIS does not deal with the matter of alternatives, however, this is acceptable given the nature of the application. The remedial EIS also includes a non-technical summary.
- 9.10 I am therefore satisfied that the rEIS, together with the additional material on file, is adequate to enable the Board to make a decision on the application for substitute consent.

Environmental Impact Assessment

- 9.11 As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent¹ i.e. to identify, describe and assess the direct and indirect effects of a proposed development on the environment, in accordance with Articles 4 to 11 of the EIA Directive, on the following:
- Human beings, flora and fauna,
 - Soil, water, air, climate and the landscape,
 - Material assets and cultural heritage, and
 - The interaction of the foregoing.
- 9.12 The following assessment of environmental effects has regard to the EIS submitted, the additional information on file and my inspection of the site.

Human Beings

- 9.13 Over the lifetime of the application for substitute consent the quarry at Laughil has made a positive contribution to the local economy with the local supply of

¹ Section 172 of the Planning and Development Act, 2000, as amended.

aggregates and small scale direct and indirect employment. The quarry occupies a small site in a rural area and has not impacted on types of activity, land use or rights of way in the area.

9.14 The nearest sensitive properties comprise a small number of residential properties along adjoining public roads and Loughwell Farm Park, a busy tourist attraction, lying directly opposite the entrance to the site. The quarry is visually contained by topography and mature trees and does not directly affect these neighbouring properties. The operation of the site will have given rise to noise, dust, vibration and traffic impacts. These impacts are discussed individually below.

9.15 Access to the quarry is not restricted (e.g. by fencing), however, the site is reasonably small and contains no significant water features. A safety statement is in place and I do not consider that the site, or its operation, poses a significant risk to health and safety.

Fauna and Flora

9.16 The quarry will have had direct and indirect impacts on flora and fauna. Direct effects will have arisen primarily from land take and indirect effects from the loss and fragmentation of habitats on site, disturbance resulting from the operation of the quarry and from discharges from the site, for example to surface or groundwater.

9.17 The quarry site does not fall within any site protected by national or European legislation. The rEIS indicates that prior to extraction the site would have been covered in shallow heath. This habitat is dominant in the vicinity of the site and the relatively small loss of same is unlikely to have significantly impacted on the habitat. Similarly, any species using the site would have been displaced from it but could have been accommodated in the surrounding habitat. The rEIS finds no evidence of rare fauna or flora in the vicinity of the site or therefore that the site was used by rare or protected species. This conclusion seems reasonable.

9.18 The quarry lies in a larger geographical area that is designated as the Moycullen Bog pNHA (site code 002364), with the closest designated land lying to the immediate south of the site (south of the public road). Moycullen Bog is designated for its extensive blanket bog habitat. Approximately 1km to the north west of the site is the Connemara Bog Complex SAC/pNHA (site code 002034). This extensive site is also designated primarily for its extensive tracts of blanket bog, as well as areas of heath, fen, woodlands, lakes, rivers and coastal habitats. Downstream, the nearest protected site that is hydraulically connected to the quarry is Ballycurke Lough pNHA (site code 000228)², lying c.4.3km to the north east of the site. Ballycurke Lough is part of the Lough Corrib SAC (site code 00297). This SAC is designated primarily around Lough Corrib but includes

² At the time of writing there was no information on the pNHA available on the NPWS website.

rivers to the east and west of the Lough and adjoining habitats including raised bog, woodland, grassland and limestone pavement.

- 9.19 Indirectly the operation of the quarry could affect habitats and species using habitats in the vicinity of the site, including protected sites, by way of noise, dust and human activity. However, given the relatively modest scale of quarrying activities, the limited noise and dust emissions arising (see below), the small area of designated site in close proximity to the quarry and the availability of extensive areas of alternative habitat, significant indirect impacts on fauna and flora by way of disturbance are unlikely.
- 9.20 Whilst the quarry discharges surface water to the stream running in a northerly direction to the east of the site, it would appear that the quarry has not given rise to significant pollution of same (see paragraph 9.23 below) nor, therefore, to Ballycurke Lough/Lough Corrib SAC which are significantly downstream of the site. Significant indirect impacts on downstream habitats and species are therefore unlikely to have occurred.
- 9.21 There are no quarries in the immediate vicinity of the site, or substantial other development, which cumulatively would impact on flora or fauna in the area.

Soil and Geology

- 9.22 A thin layer of peat has been removed from the quarry site, together with the underlying granite. Soil stripped off the site has been stockpiled and will be used in the restoration of the site. Impacts on soils will therefore be short term. The extraction of granite from the site will result in a permanent loss of the resource, however, the granite reserve in the area is substantial and overall the quarry will have had a minor permanent impact on it.

Water

- 9.23 The quarry lies within the Corrib Water Management Unit and within the Killagoola River Water Body Unit (section 11, rEIS). Both water bodies have 'Good' status and the objective for the River Water Body is to preserve its status in the next River Basin Management Cycle. On site a drain running along the eastern boundary of the site, in a northerly direction, joins Loughkip stream to the north of the site which ultimately drains into Lough Ballycurke which in turn drains to Lough Corrib (see attachments).
- 9.24 Underlying the quarry is a bedrock aquifer which is classified as Poorly Productive (PI) with a vulnerability rating of 'Moderate' to 'Extreme' (GSI). The aquifer is part of the Maam-Clonbur Groundwater Body which has been classified as having a 'Good' status. Groundwater flow is considered to be from southwest to north east, generally towards Lough Corrib and, given the high drainage density locally and the unproductive nature of the bedrock aquifer, occurring within the upper 5-10m of bedrock.

- 9.25 Extraction from the quarry at Laughil has been from above the water table. No washing is carried out on site and there are no discharges arising directly from quarrying. I note that the rEIS states that during periods of heavy rainfall a shallow pond in the base of the site (southwestern corner) drains to the stream running along the eastern boundary of the site. In January 2014 water samples taken from the stream, upstream, downstream of the point of discharge and from the pond on site, indicated that the quarry was having no impact on water quality in the stream based on a small number of parameters measured. There is no long term monitoring data for the effect of the quarry on the stream. At worst the stream may have been affected by increased loading of sediments from the site or accidental spillages of hydrocarbons, in particular during peak periods of operation. However, as stated the status of the Killagoola River Water Body Unit is good and no parties have raised any issues regarding pollution of local watercourses as a consequence of the development and I would conclude therefore that it is unlikely that the quarry has given rise to significant contamination of surface water in the vicinity of the site.
- 9.26 With the loss of protective layers, groundwater vulnerability increases. I note that the quarry is worked above the water table, leaving some rock layers to act as a filter for discharges, and that there is no storage of fuels on site. Further, the underlying aquifer is unproductive and has 'Good' status. Again I would infer from this that the quarry has not had a significant impact on groundwater quality.
- 9.27 Going forward I would recommend conditions requiring (a) the implementation of a surface water management system to manage flows arising within the site, as a result of the past operation of the quarry, and (b) removal of redundant equipment on site which may give rise to waterborne pollutants.

Air and Climatic Factors

Noise and Vibration

- 9.28 Background noise monitoring carried out in January 2014 indicates quiet ambient noise levels reflecting the rural location of the development. Noise and vibration will have arisen as a result of extracting and processing rock and its subsequent transport off site. Since 1999 the rEIS states that extraction rates at the quarry have been quite small, varying from 2,000 tonnes per annum to 5,000 tonnes per annum, with consequently low traffic volumes arising. Extraction has primarily by mechanical means with blasting c.4/5 times per annum. The information in the rEIS appears to be inconsistent with the information presented in the application for registration which indicates substantially greater extraction volumes and traffic arising from the quarry (c.30,000 to 40,000 tonnes per annum and up to 30 HGVs entering and leaving the site per day).
- 9.29 Nearest receptors are Loughwell Farm Park (built after 2005) to the north west of the quarry and residential properties to the south west and south east of

the working area. The rEIS predicts noise levels at the dwelling to the south east of the site, c.150-200m from the active quarry area, arising from equipment used on site. Predicted noise levels are individually below the industry standard for daytime noise, but there is no assessment of cumulative noise arising from the machinery being used simultaneously. There is no assessment of likely noise levels at Loughwell Farm Park, c.150m to the north west of the active quarry area and no assessment of noise or vibration levels arising from blasting.

9.30 Having regard to the location of the quarry in a quiet rural area and the indicated peak level of production (s261 registration form) I would consider that based on the information available and in particular the absence of monitoring information to demonstrate otherwise, it is likely that at times the quarry has given rise to noise and vibration impacts as a result of blasting, rock breaking, crushing and associated road traffic which may have adversely impacted on the small number of sensitive receptors in the vicinity of the site. Given the modest scale of the quarry and the infrequency of blasting, I would estimate that this would equate to a moderate local impact. I note that since registration the quarry has been required to operate within noise and vibration levels and employ practices which are standard for the industry (condition nos. 3 to 7 of imposed conditions) and to keep records of same. The applicant has not made monitoring information available.

Dust

9.31 Dust monitoring carried out between January and February 2014 indicates dust levels well within the industry standard of 350mg/m²/day at two locations on the site (Figure 9.1 rEIS), one to the north west of the site and one to the west of it. These levels reflect the current low level of activity at the site. At peak levels of production dust emanating from the site is likely to have been greater, however, I note that the quarry site is well screened by external berms and established vegetation which would limit dust blow. Further, extraction and processing now takes place on the quarry floor. At peak production, dust levels may have had caused a minor to moderate local adverse impact.

Landscape

9.32 The site lies within the 'South Foothills of East Connemara Mountains (west of Salthill to Rossaveal)' with a landscape sensitivity rating of 'Moderate' and is removed from any protected focal points or views.

9.33 The quarry is reasonably small in scale and whilst it has impacted on the immediate landscape of the site, the site is visually contained by topography and mature trees, with only limited views from the north and east (photograph 1). As such the development is consistent with the policy guidelines which require developments to be set within the landscape framework and well screened. I do

not consider therefore that any significant adverse landscape or visual impacts have arisen as a result of the operation of the quarry.

Material Assets (Architectural and Archaeological Heritage)

- 9.34 As stated previously the quarry site is very modest in the context of surrounding geological resource. At the end of its operational life it is proposed that the quarry will be restored to agricultural grassland. If restored in this manner, I consider that the permanent loss of geological resource and the temporary loss of agricultural land are minor (negative) direct impacts of the development.
- 9.35 There is no assessment of the impact of traffic arising the development on the local road network. Information on volume of material extracted from the site is inconsistent. Clearly in the current economic climate low levels of granite are extracted annually and the transport of this volume would have a minor impact on the local road network. However, the indicated peak volumes of HGV using the site (30 HGV movements in and out a day) would have added significantly to the volume of traffic on the local road network. I would estimate therefore at worst case, the quarry may have had a significant local impact on the public roads in the vicinity of the site. In view of this I would recommend a modest contribution towards the past upkeep of local roads in the area (c.€5,000).

Cultural Heritage

- 9.36 No recorded monuments lie within the quarry site itself or in the vicinity of the site and the archaeological assessment within the rEIS found no known or suspected archaeological remains on or near the site. I consider therefore that the development has not significantly impacted directly or indirectly on the cultural heritage of the area.

Inter-relationship between the Foregoing

- 9.37 The main interactive impacts arising from the operation of the quarry are:
- Human beings, visual, noise, dust, vibration and traffic related impacts.
 - Water and ecology.
- 9.38 The collective noise, dust, vibration and traffic impacts arising from the development, in particular at peak times, is likely to have given rise to adverse local impacts, in particular for the small number of residences and commercial operation in the immediate vicinity of the site. However, having regard to the generally modest nature of the quarrying activity and the infrequency of blasting, I would consider this impact to be minor to moderate in extent.
- 9.39 The interactive impacts arising from water and ecology have been discussed above and, subject to compliance with the recommended conditions, are acceptable.

Conclusion

- 9.40 Key environmental effects arising from the quarry at Laughil relate to potential impacts on flora and fauna, protected sites and the interaction of noise, dust, vibration and traffic on the local population.
- 9.41 Having regard to the location of the site in a rural area, the generally modest scale of the operation, the limited frequency of blasting, the mitigation and remedial measures set out in the rEIS, and subject to the conditions set out below, I am satisfied that the quarry at Laughil is acceptable in terms of its environmental effects and that significant environmental impacts have not arisen and will not arise.

10 CONCLUSION AND RECOMMENDATION

- 10.1 Having regard to the nature and scale of quarrying which has taken place on the appeal site, the mitigation measures which are in place, the proposed remedial measures and subject to conditions set out below, I am satisfied that the development is acceptable in terms of its environmental impact and is otherwise in accordance with the proper planning and sustainable development of the area. I recommend therefore that substitute consent is granted.
- 10.2 In the course of the application for substitute consent the planning authority recommended conditions to be attached to any grant. Most of these refer to the future operation of the quarry and do not apply as the application for substitute consent only refers to works carried out. The proposed conditions in respect of a development contribution (roads) and restoration seem reasonable in particular given the volume of traffic emanating from the quarry over the period of substitute consent application and in the interest of visual amenity.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the quarrying operations carried out on site, the mitigation measures which are in place and the further remedial measures proposed, it is considered that, subject to compliance with the conditions set out below, the quarrying activity which has taken place is acceptable in terms of its environmental impact, and is therefore, in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 10th March 2014 and further information submitted on 8th April 2014 and 9th April 2014.
- (b) This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development.

Reason: In the interest of clarity.

2. A detailed restoration scheme for the, shall be submitted to the planning authority for written agreement within three months of the date of this order. The restoration scheme shall include a timeframe for implementation.

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. Within 3 months of the date of this order a summary of all existing and proposed mitigation measures shall be submitted to the planning authority for written agreement, including where relevant, a timescale for implementation.

Reason: In the interest of clarity.

4. Within three months of the date of this order, proposals for a surface water drainage system and water quality management system, to include a timeframe for implementation and mitigation measures set out in the rEIS, to manage surface water flows within the site and to protect groundwater shall be submitted to the planning authority for written agreement.

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

5. The developer shall pay the sum of €5,000 (five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the local road infrastructure. This contribution shall be paid within one month of this order or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be

agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

6. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the development.

Deirdre MacGabhann
Planning Inspector

14th September 2014

SUMMARY OF REMEDIAL EIS

Human Beings

- 10.3 Considers that the quarry has had a positive impact on the local economy (providing local construction materials and employment for one full time and two, part time). Some 56 people may be living within 1km of the quarry with possible amenity impacts on these. No impacts are predicted on fishing (potential impacts on water quality are minimal due to distance from fishing streams and waste management policy). The quarry has resulted in a small, insignificant loss of agricultural land. Quarry cannot be seen from local roads or from main tourist routes. Blasting is very infrequent. No significant impact on tourism is predicted. No impact on forestry predicted. No impact on patterns or types of activity or land use. No impacts on rights of way or access to amenities. Quarry has comprehensive safety statement which is strictly adhered to.
- 10.4 Main impact on human beings is tourism providers in immediate vicinity and impact of blasting on same. Mitigation measures set out in sections on flora and fauna and noise and vibration.

Flora and Fauna

- 10.5 Habitat survey carried out in January and February 2014, therefore habitat suitability was assessed for likely occurrence of other species which would not be present due to seasonal factors. Table 5.1 (page 30 rEIS) identifies designated sites in the vicinity of the quarry. Development exempted from preparation of a rNIS by the Board. Quarry is located outside of the catchment of many of the designated sites. The only connection between the designated site and the quarry is potential run off from the quarry via water. All downstream protected sites are more than 5km from quarry and therefore screen out, as per NPWS guidance, in relation to appropriate assessment and are not considered any further.
- 10.6 Direct impacts:
- Habitat - Assumes that the now exposed quarry (1.92ha) would have been covered with shallow heath which would have been removed (permanently lost) to enable quarrying. Shallow heath is the dominant habitat in the 10km square (hectad) in which the site occurs. Such a small loss is not considered to be significant.
 - Flora - No rare or important flora recorded in hectad. Not anticipated that the quarry past or present has or interfering with rare flora.
 - Fauna and avifauna – Common fauna associated with the original habitat would have been permanently displaced from site. No fauna of significance identified in quarry. Surrounding habitats are extensive and capable of accommodating displaced fauna.
- 10.7 Indirect impacts:

- Habitats and Flora – Potential for increased sedimentation in and pollution of adjacent watercourses is considered to be low based on site visit, low level of fines/dust produced and waste and management policies in place.
- Fauna and Avifauna – Main potential impact arises from noise, blasting, rock breaking and crushing and trucks entering and leaving the site. Disturbance of fauna would have occurred intermittently over life of quarry. Main species of concern are Otters, Grouse and Golden Plover. Given wide availability of suitable habitats for birds and mammals associated with the area, displacement as a consequence of noise could be accommodated.

10.8 Cumulative impacts – Refers to small number of quarries within 20km of site. Landscape and ecology is fragmented by occasional quarrying but overall the proportion of land lost to quarrying is not significant from a nature conservation perspective. Other development types more likely to result in fragmentation or loss of habitat or degradation (plantations, dispersed housing, designated area for windfarm development).

10.9 Overall assessment of impacts – Quarry has had an overall negative moderate, permanent impact on habitats (loss) on site. Impact on designated areas is potentially negative imperceptible in the short term (small risk of sediments reaching watercourse, 690m from quarry). No anticipated impact on downstream SACs (distance). Impact on fauna and flora has been negative slight permanent impact (loss of 1.92ha). Day to day operations over 70 years (noise) would have had a neutral imperceptible to slight short term impact. No night time operation so no light pollution or disturbance of diurnal rhythms. Overall no evidence of any significant past impacts as a result of the quarry. No mitigation measures proposed or residual impacts predicted.

Landscape and Visual Impacts

10.10 Quarry lies within Landscape Character Area 12 ‘South Foothills of East Connemara Mountains (west of Salthill to Rossaveal) Galway County Landscape Character Assessment, 2002, rated Class 3, high. It is not affected by protected views (focal points close to Moycullen village look eastwards). Site falls within a ‘Strategic Area’ where windfarms are considered appropriate.

10.11 REIS identifies potential sensitive receptors in the vicinity of the site (Map 6.1, page 51, rEIS). Quarry cannot be seen from any of the potential receptors identified. Trees planted on Walsh farmland screen the quarry from one place where quarry would otherwise be visible. Quarry complies with policies of Galway County Council (in medium landscape value; will not interfere with views and prospects and amenities of places; no listed views interfered with). No mitigation measures proposed and no residual impacts anticipated.

Cultural Heritage

- 10.12 No known archaeological sites within a mile of the quarry. No features on site of the quarry on the 1st or 2nd edition OS maps with the closest cluster at Laughil, c.500m to the east of the site. The irregular network of fields immediately to the east of the quarry appears to have acquired its current form by 1890s. Few archaeological excavations are listed for the Moycullen area in the excavations database, three in Moycullen town and one at Homefarm. None produced anything of archaeological significance. No archaeological or historical sites or features were noted in the field survey of the site and adjoining areas.
- 10.13 Quarry has had no direct impact on any known or suspected archaeological remains. No archaeological material was encountered in section or in any of the visible spoil heaps relating to the quarry during the field inspection. The general area has been settled since at least the Neolithic however, it is possible that archaeological material may be present in the topsoil.
- 10.14 No mitigation measures proposed for past works. No residual impacts identified.

Noise and Vibration

- 10.15 A background noise survey was carried out on the 22nd January 2014, with monitoring carried out at three measurement stations located in the vicinity of the nearest dwellings. Noise impact is predicted for two phases of the development 1940-1999 and 1999-present. For the period 1940-1999 operations were largely confined to the east of the applicant's house with rock broken by hand or machine. Based on assessment of the cumulative noise levels arising from equipment used on site at the time, noise levels at off-site receptors is predicted to have been below the 55dB. For the period 1999-present, excessive noise levels are considered unlikely due to the infrequent operation of the quarry.
- 10.16 Nearest receptor to the quarry is over 400m from the works area. A review of the quarry's history suggests that no significant vibration impacts arose throughout the operation of the quarry. rEIS recommends mitigation measures to minimise noise arising from on site operations.

Air

- 10.17 Smoke emissions from mobile plant are considered to be negligible and offsite emissions are considered to be insignificant in the context of historical traffic flows. Main emission to air is dust arising from the quarry. Dust monitoring carried out at the site during January to February 2014 (page 74 or rEIS refers to monitoring in August-September 2013). Background dust levels in rural areas are typically low at 0-100mg/m²/day. Dust deposition monitored at two locations with dust deposition levels measuring 109mg/m²/day and 166mg/m²/day. No record of complaints from local landowners of dust nuisance over the operational phase of the quarry. rEIS recommends mitigation measures and concludes that

overall it is considered improbable that the development has significantly impact on air quality in the past and that any impact at present is low and localised.

Geology and Soils

- 10.18 Prior to quarrying, the site was overlain by c.0.3-1m of peat. This has been stripped and stockpiled and placed as reinstatement works in the northern and southern portions of the site where the quarry has been fully worked out. The site is underlain by Porphyritic-Megacrystic Granite, a grey and brown coloured granite. The quarry benches into the existing hillside with the floor level located at approximately 90mOD. Walls of the quarry are c.5-9m on the western side and 1.5-5m on the eastern side. Southern part of site which was quarried between the 1940s and the 1970s has been completely reinstated with soils and sub-soils stripped from the original ground.
- 10.19 Removal of bedrock is a permanent, moderate impact but an inevitable consequence of quarry activity. Given the size of the quarry relative to the extent of the bedrock formation the loss of bedrock is not considered to be geologically significant (imperceptible impact). Soils and subsoils which have been stripped have been reinstated in part, with the remainder in stockpiles for future restoration. Impact on soils and subsoils is therefore neutral. Site walkover survey found no evidence of contamination of bedrock (imperceptible impact). No other quarries in the immediate local area and cumulative impacts on geology and soils are unlikely.

Water

- 10.20 A stream running along the eastern boundary of the site ultimately discharges into Lough Ballycurke to the south of Moycullen village. Lough Ballycurke discharges to Lough Corrib. Drainage density locally is high with rainfall running off to drains and surface water streams. It is likely that drainage from the area of the quarry in general discharges to Lough Ballycurke. In periods of heavy rainfall a surface water pond in the low point of the quarry floor (southwest corner) discharges by gravity via a drain across the footprint of the active area, north east towards the stream flowing along the eastern boundary of the site. The pond discharge joins the stream at the north east corner of the site.
- 10.21 The site lies within the Western River Basin District and within the catchment of the Corrib Water Management Unit and the Killagoola River Water body Unit (IE_WE_30_262). Killagoola River Water Body is currently 'good' status and the objectives of the WMU is to preserve this status in the coming River Basin Management Cycle 2015-2012. Monitoring of water quality in the surface water pond, upstream and downstream of the outfall to the stream, indicates uncontaminated surface water runoff.
- 10.22 GSI aquifer vulnerability rating for the site ranges from Extreme (Rock Close or Karst) to Extreme. Bedrock aquifer is poorly productive. Local water flow is

considered to be from southwest to northeast and regionally towards Lough Corrib. The aquifer beneath the site is part of the Maam-Clonbur Groundwater Body which is categorised as being of 'Good' status. The objective of the next River Basin Management Cycle 2015-2012 is to preserve this status. There are no wells within 3km of the site. The neighbouring pet farm complex and dwelling house are supplied by water from the mains. The site is not at risk of flooding (OPW Flood Zone Map).

10.23 Potential impacts:

- Surface water – Pollution of stream along eastern boundary of site. Surface water monitoring has shown that the quality of the discharge and the stream up and downstream of the discharge is good. No evidence that the quarry has impacted on the stream. There is potential for leaks/spills to have occurred from plant and vehicles. The potential pathways to the stream along the eastern site boundary is the drainage channel in the quarry floor. Site walkover survey did not identify any impacts on the ground or channel associated with site operations. Oils are not stored on site and have not been stored on site in past. Blasting operations are infrequent and small scale.
- Groundwater – No record of groundwater contamination at or in the vicinity of the quarry. Direct and indirect emissions to ground include rainwater runoff from access road and quarry floor; explosive residues and leaks/spills from plant and vehicles. No visual evidence of contaminated surface water leaks to ground. Given low frequency in the use of explosives and the poorly productive bedrock aquifer, the risk posed by use of explosives is considered to have been insignificant in the past. Dewatering is not carried out. Rainwater is directed to surface water courses, consistent with the water movement regime locally. Any impacts associated with the site operation and developments on groundwater are likely to have been imperceptible. No other quarries in local area, cumulative impacts are therefore unlikely.

10.24 Standard mitigation measures are proposed to protect groundwater and surface water.

Interaction between the Foregoing

10.25 Considers that no significant interactions arise. Concludes that no significant effects have occurred or are occurring on the environment as a result of the development. Little mitigation is proposed as the quarry is small well managed and no significant effects were noted in the preparation of the rEIS.